



2007 – 2008
Administrative and Financial Manual
of the Senate
State of Hawaii
The Twenty-Fourth Legislature

Colleen Hanabusa

Senate President

Donna Mercado Kim

Vice President

Gary L. Hooser

Majority Leader

David Y. Ige

Majority Floor Leader

Shan S. Tsutsui

Majority Caucus Leader

Les Ihara, Jr.

Majority Policy Leader

Norman Sakamoto

Suzanne Chun Oakland

Majority Whips

Robert Bunda

President Emeritus

Fred Hemmings

Minority Leader

Paul Whalen

Minority Floor Leader

Mike Gabbard

Minority Policy Leader

Adopted February 2008

TITLE 1.

LEGISLATORS' SALARY, GENERAL ALLOWANCES, AND MISCELLANEOUS PROVISIONS; SENATE CONTINGENCY FUND

This title is concerned with the salary and general allowances that are payable to legislators under the State Constitution and statutes. It also covers the use of the statutorily provided contingency fund.

Chapter 1. Legislators' Salary and General Allowances

Sec. 1.1. Scope of chapter. Article III, section 9 of the State Constitution provides that each legislator is to receive such salary and allowances as prescribed by law and section 24-1.5, HRS. Sections 24-1 and 24-2, HRS, prescribe certain fixed allowances to be paid to legislators. This chapter sets forth how and when the salary and the fixed allowances are payable.

Sec. 1.2. Legislators' salary. A legislator's salary shall be payable pursuant to section 9 of Article III of the Constitution of the State of Hawaii.

Sec. 1.3. Legislators' annual allowance. Each legislator is allowed such amount as provided by statute for incidental expenses connected with legislative duties. "Incidental expenses connected with legislative duties" shall include all expenditures incurred in connection with carrying out of official duties or in connection with representational activities the nature of which will assist the legislator in: (i) developing the legislator's accessibility to, and communication with, the community and constituents concerning subjects of legislation and community concerns; (ii) educating the community and constituents on matters relating to the legislature, legislative process, and subjects of legislation; and (iii) carrying out the public's expectations of a legislator's role to the community and constituents.

The use of the allowance is subject to reporting and accounting. The allowance shall be made available no later than 10 calendar days after the effective date of legislation appropriating funds for the operation of the Senate. In the case of a legislator who fills a vacancy after the specified 10-day period, the allowance shall be made available no later than 10 days after the legislator is appointed by the Governor.

The allowance for each legislator shall be retained by the Senate. Each legislator shall be entitled to receive advances or be reimbursed for incidental expenses connected with legislative duties out of the allowance covering the legislator's incidental expense account maintained by the Senate.

The Clerk of the Senate (Clerk) shall not make any advance nor reimburse any legislator unless the legislator submits a completed Claim for Disbursement From Legislative Allowance Fund form. (exhibit 1.A)

Upon receipt of a completed Claim for Disbursement From Legislative Allowance form from a legislator, the Clerk shall pay the amount requested as an advance or reimbursement and shall charge the amount to the legislator's incidental expense account. Reimbursements shall be made within 30 days after the expense is substantiated by the Clerk.

Advances made to any legislator by the Clerk shall be made within 30 days before the date the expenditure is expected to be made, and shall not exceed an amount reasonably calculated to cover the amount of the anticipated expenditure based on the Claim for Disbursement form.

The amount of any advance that exceeds the amount of the incidental expenses connected with legislative duties shall be returned to the Senate not later than 60 days from the date that the expense was paid or incurred by the legislator.

All nonperishable items, the expenditure of which is covered by the annual allowance, shall be inventoried as property of the Senate.

Sec. 1.4. Non-Oahu legislators' session allowance. When the legislature is in session, each non-Oahu legislator is allowed such amount per day as provided by statute for lodging, subsistence, and other incidental expenses necessitated by the legislator's presence on Oahu. The use of the allowance is not subject to reporting or accounting, and the amount of the allowance is not subject to reduction or adjustment by reason of the receipt of any other allowance provided by statute or under any other section of this manual. The allowance is payable for each day during the session, including Saturdays, Sundays, holidays, the constitutionally mandated recess days, and days of a recess, but shall not be payable for recesses of more than three consecutive recess days or for days of unexcused absences from the meeting of the Senate while the legislator is on Oahu. Non-Oahu legislators shall be paid their session allowance on Monday after each pay period. A pay period begins on Sunday and ends the following Saturday."

Sec. 1.5. Membership on boards, commissions, committees, and other entities constituted by local, state, national or international organizations. When a Senator who, by nature of their status as a committee chair or as a member of Senate leadership, serves as an ex officio member of a board, commission, committee, or other entity constituted by a local, state, national or international organization, the ex officio membership shall remain with the committee chairmanship or leadership position and not follow an individual Senator to any subsequent position.

Chapter 2. Senate Contingency Fund

Sec. 2.1. Scope of chapter. Section 24-7, HRS, provides for the establishment of a Senate contingency fund. This chapter summarizes and implements the provisions of that section.

Sec. 2.2. Amount and purpose of fund. The Senate contingency fund shall not exceed \$10,000 per year. The amount of the fund shall be included in the appropriation made by the legislature for the expenses of the Senate. The fund is to be used to cover the expenses of social occasions hosted by the Senate as a whole and other social occasions authorized by the President. "Other social occasions" include social functions and demands that the President is expected to fulfill as the presiding officer of the Senate.

Sec. 2.3. Expenditure authorization. No monies are to be expended from the contingency fund except upon the approval of the President.

Sec. 2.4. Accounting. A report on the expenditures from the fund shall be made at least annually to the members of the Senate and the report shall be included as a part of the financial report on the expenditures of the Senate as a whole.

Chapter 3. Forms

Sec. 3.1. Scope of chapter. This chapter contains provisions of general applicability to the establishment and use of administrative forms of the Senate.

Sec. 3.2. Establishment and use of forms. The forms attached to this manual as exhibits serve as examples only. The President at any time may prescribe revisions to such forms; provided that any information required by such forms does not conflict with any requirement found within this manual.

TITLE 2.

TRAVEL AND TRAVEL ALLOWANCES

The nature of legislative business requires legislators and legislative employees from time to time to travel, both intra-state and out-of-state. This title details how and when such travel may be had and specifies what expenses of such travel may be paid for by the Senate and how such expenses are to be paid.

Chapter 1. General Provisions

Sec. 1.1. Scope of chapter. This chapter contains provisions of general applicability to travel in conducting official legislative business and to the payment of travel expenses.

Sec. 1.2. Travel policy for interstate travel. It shall be the policy of the Senate that each Senator shall be entitled to one interstate round trip per calendar year with any additional trips being subject to the approval of the President and Vice President. All staff travel shall be subject to the approval of the President and Vice President.

Any Senator or staff member, prior to accepting membership on any board, commission, committee, or other entity constituted by a national or international organization that would require the Senator or staff member to travel interstate in excess of the one interstate round trip authorized per calendar year, shall first obtain approval from the President and Vice President before accepting the membership.

Any personal trips that are not related to official legislative business that are taken in conjunction with a trip involving official legislative business shall be the responsibility of the traveling Senator or staff member and shall not be subject to per diem or reimbursement.

Sec. 1.3. Travel policy for intrastate travel by non-Oahu Senators during session. It shall be the policy of the Senate that, during the time period in which the Senate is in session, each non-Oahu Senator shall be entitled to one intrastate round trip per week, plus an additional two intrastate round trips per month. In addition to the travel authorized under the previous sentence, non-Oahu Senators who represent more than one island shall be entitled to one additional intrastate round trip per month. All intrastate travel authorized under this section that is in addition to the one intrastate round trip per week shall be taken at each individual non-Oahu Senator's discretion; provided that each non-Oahu Senator shall submit a written justification for the trips taken.

Sec. 1.4. Travel policy for intrastate travel by non-Oahu Senators during interim. It shall be the policy of the Senate that, during the interim, each non-Oahu Senator shall be entitled to one intrastate round trip per week. In addition to the travel authorized under the previous sentence, non-Oahu Senators who represent more than one island shall be entitled to one additional intrastate round trip per month. All intrastate travel authorized under this section shall be taken at each individual non-Oahu Senator's discretion; provided that each non-Oahu Senator shall submit a written justification in a timely manner for the trips taken.

During the interim, each non-Oahu Senator traveling intrastate on official legislative business shall be entitled, without prior approval of the President, to the maximum allowance for up to one day per week; provided that the non-Oahu Senator claiming the per diem provides written justification in a

timely basis for the travel. Any additional request for per diem shall be granted only with the prior approval of the President.

Sec. 1.5. "Official legislative business" defined. As used in this title, "official legislative business" means an activity authorized by the Senate by resolution or the President pursuant to guidelines established in this section and performed or conducted pursuant to the business of the Senate or any Senate committee. It includes, when authorized, the following: attending a meeting of the Senate, the Senate leadership, a Senate committee, or caucus, including meetings or caucuses conducted during the interim; participating in a seminar or conference sponsored in whole or in part by the Senate; attending, either as a representative of the Senate or as a participant, a meeting, seminar, or conference of a state, national, regional, or international organization of which the Senate or the State legislature is a member; attending any seminar, conference, or session on a subject matter of direct concern to the Senate or any Senate committee; participating in any training program to maintain or improve the skills of legislators or legislative employees in the performance of their duties; and conducting studies and investigations on matters before the Senate or a Senate committee. It excludes activities which are of primary benefit to the individuals performing or conducting such activities even though such activities are performed or conducted because of one's status as a legislator or legislative employee. Among the excluded activities is a service rendered by a legislator to the legislator's individual constituent.

Sec. 1.6. Travel expenses payable by the Senate. Except as otherwise provided by the statute or in this title, all reasonable and necessary personal expenses of travel when authorized by the President of the Senate, in conducting official legislative business, are payable by the Senate. To the extent practicable, during the interim, neighbor island legislators shall endeavor to consolidate the scheduling of meetings on Oahu so as to encourage the minimization of travel and per diem costs to the Senate.

Sec. 1.7. Travel authorization. Travel for purposes of "official legislative business" even in instances where, the expenses of which are not to be paid for by the Senate, must be approved by the President. The President's signature on the "Per Diem and Travel Authorization" form (exhibit 2.A) confirms that the business to be conducted on travel has been authorized and constitutes authority for the Clerk to issue such purchase orders as may be necessary and for the Accountant to pay the expenses of the travel.

Sec. 1.8. Payment of travel expenses. To the extent feasible and practical, the cost of transportation to and from the points of destination shall be paid by the Senate directly to the vendor upon its receipt of a written invoice evidencing the expenditure of such funds by the legislator or employee. All other allowable travel expenses approved by the President should be paid directly by the Senate to the vendors whenever convenient, feasible, and practical to do so. Unless paid by the Senate directly to the vendors, the cost of such other allowable travel expenses are payable to the legislator or employee engaged in travel. The payment to the legislator or employee may be by a cash advance prior to travel or by a reimbursement after the legislator's and employee's return from travel upon approval of the President.

Sec. 1.9. Accounting. Within 15 days after completion of travel, be it less than overnight, overnight or longer or out-of-state; each legislator or employee shall account to the Senate for travel expenses incurred for which a cash advance was made or for which a reimbursement is sought on the appropriate Senate "Statement of Completed Travel" form (exhibits 2.B and 2.C).

In calculating the amount expended for lodging, meals, and other personal travel expenses, the calculation based on the amount of per diem allowed is sufficient; no detailed itemization of such

expenses is required. For all other expenses, a detailed expenditure statement shall be attached to the appropriate "Statement of Completed Travel" form, supported by receipts where receipts are issued in the normal course of business. The form shall be submitted directly to the Accountant. If the travel expenses total less than the amount of any advance, the legislator or employee shall refund the difference to the Senate with the appropriate Statement of Completed Travel form.

Sec. 1.10. Travel report. If travel is out-of-state, a completed "Travel Report Form" (exhibit 2.D) describing the business conducted shall be submitted to the President within 30 days after completion of travel. The report shall summarize the nature of the business conducted and contain such recommendations as appropriate. If travel is by two or more legislators or employees, each may file a separate report. Two or more may join in filing a single report.

Sec. 1.11. Maximum allowance; defined. For the purposes of this title, "maximum allowance" means the maximum allowance for intrastate, interstate, or international travel as provided by statute.

Chapter 2. Transportation

Sec. 2.1. Scope of chapter. This chapter is concerned with the mode and class of transportation, other than the use of a personally owned automobile. Provisions with respect to the use of a personally owned automobile are contained in chapter 4 of this title. All costs of transportation reasonably and necessarily incurred in the conduct of official legislative business is payable by the Senate, except the cost of transportation incurred in traveling to and from the State capitol during the period that the Senate is in session. The exception does not apply when the Senate is in recess for more than three days.

Sec. 2.2. Routing. Travel itinerary shall be by the most direct and convenient route to the destination and return. Any additional cost incurred in deviating from the most direct and convenient route shall be borne by the legislator or employee concerned.

Sec. 2.3. Air transportation. Except in case of travel between points on any island in the State, travel between any two points shall be by a regularly scheduled commercial airline whenever it is available and its use is feasible and appropriate. Air travel shall be by the most economical class and airline available, unless otherwise authorized by the President. If at any time before or during the travel the legislator or employee alters his or her mode or class of travel to a more economical mode or class the Senate shall be refunded the difference in the fares; provided that if the change results in an overall savings to the Senate, then the Senator or employee shall be reimbursed for any change fee cost incurred.

Sec. 2.4. Ground transportation. Travel on any of the islands within the State, at a point of destination out-of-state, and between points of destination out-of-state when not serviced by a regularly scheduled commercial airline or when otherwise appropriate may be by limousine, taxi, train, car rental, bus, personal automobile, or any other suitable means. To the extent feasible, the most economical means shall be used.

Sec. 2.5. Arrangements for transportation. Whenever feasible, all arrangements for transportation to and from a destination point and between destination points shall be approved by the President prior to departure and the costs of such transportation paid by the Senate directly to the vendor. Whenever feasible, all arrangements for car rentals shall also be approved in advance by the President and if travel is within the State the costs of such rentals paid by the Senate directly to the vendor.

Chapter 3. Per Diem Allowance

Sec. 3.1. Scope of chapter. The costs of meals, lodging, ground transportation, and other necessary personal travel expenses are payable by the Senate through a per diem allowance or direct reimbursement to the legislator or employee. Sections 24-3 to 24-5, HRS, provide the statutory basis for the payment of the per diem allowance to legislators. Section 22-4, HRS, provides the statutory basis for the payment of the per diem allowance to Senate employees. This chapter delineates how the statutory provisions are to be implemented.

Sec. 3.2. Per diem computation. Whenever in this chapter a maximum per diem allowance is specified, the maximum amount, together with any excess lodging costs, is the limit of the allowance. The maximum amount is payable only for any day involving an overnight stay at the point of destination. An overnight stay on any given day is permissible only if:

- (1) Official legislative business concludes at such an hour when transportation back on that day to the point of origin is unavailable or infeasible;
- (2) Official legislative business is to continue or another official legislative business is to be conducted at the same destination on the following day and it is more feasible or economical to remain overnight at the destination than to return to the point of origin and to embark on another travel to the destination on the following day;
- (3) Travel to and an overnight stay at the destination on that day is necessary because the conduct of official legislative business is scheduled for the following morning at an hour which makes transportation in the morning to the point of destination unavailable or infeasible; or
- (4) The point of destination constitutes one of two or more destination points in an approved, planned itinerary and it is more economical to stay overnight at the destination point than to return to the point of origin and embark on another travel on a subsequent day.

A per diem allowance is payable for every day included in the travel from the day of departure to the day of return, including those days when no official legislative business is involved, except that no per diem allowance is payable in case of travel intra-state on the day of return to the point of origin when no official legislative business is conducted. For the purposes of this chapter, "day" means a twenty-four hour period commencing at 6:00 am.

Sec. 3.3. Multiple official legislative business. Whenever on a single day two or more items of official legislative business are conducted for each of which a different per diem allowance is provided in this chapter, only that per diem allowance which is the greatest of the several allowances is payable.

Sec. 3.4. Legislator's per diem allowance intrastate during session. A member of the legislature whose legal residence is on an island other than Oahu shall receive an additional allowance as provided by statute. A member of the legislature whose legal residence is on the island of Oahu and who is required to remain away from both the island of the legislator's legal residence and the island of Oahu but within the State overnight or longer while on official legislative business during a session and when authorized by the President of the Senate, shall receive an allowance equal to the maximum allowance for such expenses payable to any public officer or employee, which amount is to cover all personal

expenses such as board, lodging, and incidental expenses but not travel expenses. This allowance shall be in addition to the allowance which the legislator may be entitled to receive under Sec. 1.4. of Title 1, except that the legislator shall not be entitled to this allowance while in attendance at a session of the legislature on Oahu.

Sec. 3.5. Legislator's per diem allowance intrastate during off session or during an extended recess. During the interim between sessions and during a session recess of more than three days, while conducting official legislative business within the State and when authorized by the President of the Senate, the per diem allowance payable to a legislator is \$10 if the official legislative business is conducted on the island of the legislator's residence; provided that the payment of the \$10 per diem shall only be authorized by the President of the Senate for officially noticed meetings with a duration of longer than one hour in length; provided further that for the purposes of this sentence, "officially noticed meeting" means a meeting that falls under the definition of "official legislative business" as defined under chapter 1 of this title. If the official legislative business is conducted on an island other than the island of the legislator's residence and when authorized by the President of the Senate, the legislator shall be entitled to receive a per diem allowance equal to the maximum allowance for such expenses payable to any public officer or employee.

In the case of a meeting of a legislative committee the chair shall take attendance of Senators who are present for at least one hour. Senators who remain at a legislative committee meeting for at least one hour shall be entitled to the \$10 per diem. If a Senator attends to official legislative business that is a meeting other than a legislative committee meeting, the Senator shall certify the Senator's own attendance. In each case, attendance shall be certified on the Senate Interim/Extended Recess Per Diem Attendance Form (exhibit 2.E).

Sec. 3.6. Legislator's per diem allowance out-of-state. At any time during session or during the interim between sessions or during any session recess, while conducting official legislative business out-of-state and when authorized by the President of the Senate, the legislator shall be entitled to receive a per diem allowance equal to the maximum allowance for such expenses payable to any public officer or employee.

Sec. 3.7. Employee's per diem allowance. At any time during session or during the interim between sessions or during any session recess, while conducting official legislative business within or without the State, other than on the island of the employee's residence and when authorized by the President of the Senate, the employee shall receive a per diem allowance equal to the maximum allowance for such expenses payable to any public officer or employee. No per diem allowance is payable for legislative business conducted on the employee's island of residence.

Sec. 3.8. Overnight stay on island of residence. Whenever a legislator or employee, while conducting official legislative business on the island of legislator's or employee's residence, stays overnight at the point of destination, the President may approve the payment for the actual cost of lodging and meals incurred by the legislator or employee, in an amount not to exceed the maximum allowance for such expenses payable to any public officer or employee, provided that the legislator's or employee's stay overnight is necessitated by the exigencies of the business conducted or is unavoidable due to the distance between the legislator's or employee's home and the destination point and the lateness of the hour at which the business concludes. In the case that the President is requesting payment under this section, the approval of the payment shall fall upon the Vice-President.

Sec. 3.9. Lodging policy while on official legislative business. Lodging while on official legislative business shall be of a reasonable class, unless otherwise authorized by the President.

Sec. 3.10. Reimbursement for excess lodging expenses. Whenever a legislator's, or an employee's commercial lodging cost exceeds the applicable lodging allowance, the legislator, or employee, shall be entitled to an additional amount added to the legislator's, or employee's, per diem. This amount shall be equal to the difference of the actual daily cost of commercial lodging and the applicable allowance provided herein, multiplied by the number of days spent on commercial lodging. Unless otherwise waived by the Senate President, a request for commercial lodging expenses in excess of the lodging allowance shall be made in advance of the Senator's, or employee's, trip. The daily allowance for commercial lodging shall be equal to the maximum allowance for such expenses payable to any public officer or employee.

Chapter 4. Mileage and Mileage Allowance

Sec. 4.1. Scope of chapter. Senators and employees frequently utilize their personal automobiles in the conduct of official legislative business. In addition, there are some employees who by necessity are required to utilize their personal automobiles in the discharge of their duties. This chapter prescribes the conditions under which legislators and employees may claim for reimbursement for such use of their personal automobiles.

Sec. 4.2. "Personal automobile" defined. The term, "personal automobile," means a vehicle owned, leased, or rented by a Senator or an employee for the Senator's or employee's own personal use.

Sec. 4.3. Entitlement to mileage reimbursement. A Senator or employee may claim for cash reimbursement from the Senate for any reasonable and necessary use of a personal automobile in the conduct of official legislative business and, in case of an employee, for the use of the personal automobile in the discharge of duties, except that no such claim shall be allowed for the following uses of a personal automobile:

- (1) By a Senator in traveling between the Senator's place of abode (permanent or temporary) and the State Capitol during the period that the Senate is in session, unless the Senate is in recess for more than three days;
- (2) By an employee in traveling between the employee's residence and the State Capitol for any purpose; or
- (3) By an employee in discharging any duty unrelated to the business of the Senate as a whole or of a Senate committee.

Sec. 4.4. Authorization to use personal automobile. No claim for reimbursement for the use of a personal automobile in the conduct of official legislative business or, in case of an employee, in the discharge of the employee's duties, is allowed unless the use of such personal automobile has first been approved by the President. If the use of a personal automobile is for the purpose of conducting official legislative business, the contemplated use of the automobile shall be included in the travel itinerary submitted on the "Personal Automobile Mileage voucher". (exhibit 2.F)

Sec. 4.5. Reimbursement amount. Reimbursement for the use of a personal automobile is on a mileage basis. The rate of reimbursement to a Senator shall be equal to the maximum rate payable to any

public officer or employee. Whenever during a session, in case of a Senator, and at any time, in case of an employee, it is more practical for the Senator or employee to travel directly between the Senator's or employee's place of abode and the place at which official legislative business is to be conducted or, in the case of an employee, at which a duty is to be discharged, rather than to travel first to the State Capitol and then to proceed to the place of business, the miles traveled between the abode and the place of business shall be reduced by the number of miles normally traveled between the abode and the State Capitol in calculating the amount of the reimbursement. In no case is reimbursement allowed for the miles traveled directly between the abode and the place of business if they are less than the miles normally traveled between the abode and the State Capitol.

Sec. 4.6. Claim filing. All claims for reimbursement shall be filed on the Personal Automobile Mileage Voucher. If the use of the personal automobile had been authorized in writing prior to its actual use, the form shall be submitted directly to the Senate accountant for settlement and payment. In all other cases, the form shall first be submitted for approval to the President before routing to the Senate accountant.

Sec. 4.7. Mileage allowance for employees. The use of personal vehicles for official legislative business may be reimbursable. The reimbursement rate shall be the same as provided in section 612-8(a), Hawaii Revised Statutes. Where extensive and frequent use is made by an employee of the employee's personal automobile in the normal discharge of duties, the President, in consultation with the Vice President, may authorize the payment to the employee of a monthly allowance for such use, not exceeding \$300 a month. The monthly allowance is in lieu of reimbursements on the mileage basis. The monthly allowance is subject to adjustment from time to time, depending on the frequency of use of the employee's automobile in discharge of the employee's duties.

TITLE 3.

PURCHASING POLICIES AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES

The Hawaii State Senate Procurement policies and procedures are in addition to, but governed by, chapters 103 and 103D, HRS, and the Hawaii Administrative Rules (HAR) as issued by the Procurement Policy Board.

Chapter 1. General Provisions

Sec. 1.1. Purchasing practices. All purchasing practices of the Senate shall be governed by Chapters 103 and 103D, HRS; the Hawaii Administrative Rules; and the specific rules on purchasing established by the President.

Sec. 1.2. Approval by President. All purchases shall be approved by the President, prior to procurement. The President may delegate, in writing, all or a portion of this authority to another individual.

Sec. 1.3. No division of purchases. No purchase shall be so divided or parcelled as to defeat or evade the requirement of the competitive sealed bid or competitive sealed proposal process.

Sec. 1.4. Purchase at lowest cost. Purchases shall be made at the lowest possible cost consistent with reasonable standards of quality. It is the policy of the Senate to foster broad-based competition in its purchasing and contracting process.

Chapter 2. Small Purchases

Sec. 2.1. Requirements and procedures. The following identifies the requirements and procedures to purchase goods and services for an amount less than \$50,000 and construction for an amount less than \$50,000:

- (1) If the requested goods and services are available through current price lists, the purchase(s) shall be made from the price lists.
- (2) Purchases of goods, services and construction under \$500 do not require price quotations. A memorandum requesting the purchase shall be submitted to the President or a designee for approval, prior to purchase.
- (3) The procedures to purchase goods and services equal to or greater than \$500 and less than \$15,000 and construction greater than \$500 and less than \$15,000 are as follows:
 - (A) Contact Senate Supply and provide a description and the quantity of the goods, services or construction sought. If the items are available on a price list, Senate Supply shall obtain them from the price list.
 - (B) If items are not available through a price list, three price quotes shall be obtained.

- (i) If the estimated total cost of the purchase of goods, services or construction is greater than \$500 but less than \$5,000, price quotations shall be obtained in writing, by fax, or verbally; or
 - (ii) If the estimated total cost of the purchase of goods and services is at least \$5,000, but less than \$15,000, or for construction of at least \$5,000, but less than \$15,000, price quotations shall be obtained in writing or by fax.
- (C) A memorandum requesting the purchase of goods and services shall be submitted to the President for approval, prior to purchase. The memorandum shall include:
 - (i) A description of the goods, services, or construction to be purchased;
 - (ii) Justification of the purchase;
 - (iii) Identification of the three vendors with corresponding price quotes; and
 - (iv) Recommendation as to which vendor shall be selected.
- (4) The procedures to purchase goods and services equal to or greater than \$15,000 and less than \$50,000 and construction greater than \$15,000 and less than \$50,000 are as follows:
 - (A) The Senate shall utilize and follow the procedures of the State Procurement Office's Hawaii Electronic Procurement System (HePS).
 - (B) A memorandum requesting the purchase of goods and services shall be submitted to the President for approval, prior to purchase. The memorandum shall include:
 - (i) A description of the goods, services, or construction to be purchased;
 - (ii) Justification of the purchase;
 - (iii) Identification of the three vendors with corresponding price quotes; and
 - (iv) Recommendation as to which vendor shall be selected.

Chapter 3. Large Purchases

Sec. 3.1. Requirements and procedures. The following identifies the requirements and procedures to purchase goods, services of \$50,000 or greater and construction of \$50,000 or greater.

- (1) Purchases of goods and services of \$50,000 or greater or purchases of construction of \$50,000 or greater shall utilize and follow the procedures of the State Procurement Office's Hawaii Electronic Procurement System (HePS).

- (2) A memorandum requesting to initiate the competitive sealed bid/proposal process shall be submitted to the President for approval. No action shall be taken until the memorandum has been approved. The memorandum shall include:
 - (A) A description of the goods, services or construction to be purchased;
 - (B) Justification of the purchase;
 - (C) Cost estimates; and
 - (D) Other pertinent information (i.e., specifications, time constraints).

Sec. 3.2. President's office assistance. Upon approval, the requestor shall contact the President's office for assistance in proceeding with the competitive sealed bid or proposal process.

Chapter 4. Other Purchases

Sec. 4.1. Other purchases. Purchases can also be made in the following categories: emergency purchases; sole source purchases; and the procurement of professional services.

Sec. 4.2. Emergency purchases. The following identifies the requirements and procedures to purchase goods, services or construction for emergency purposes.

- (1) An emergency purchase may be made when there is a serious need for goods, services, or construction that cannot be met through the normal procurement methods, the lack of which would seriously threaten the continued functions of the Senate, the preservation or protection of property, or the health or safety of any person. Procurements of this nature may be made with verbal approval from the President or an authorized designee and must be followed up with a written memorandum justifying the emergency purchase. Orders for such purchases may be placed with a vendor before the purchase documents are prepared, approved, and issued as long as verbal approval has been obtained. Emergency purchases shall be made with such competition as is practicable under the circumstances.
- (2) Unless verbally authorized, a memorandum requesting an emergency purchase shall be submitted to the President for approval, prior to purchase. Each memorandum shall include:
 - (A) Nature of the emergency and justification for warranting an emergency purchase;
 - (B) A description of the goods, services or construction to be purchased;
 - (C) Reasons for selecting a particular vendor, if applicable;
 - (D) Name of vendor, if available;
 - (E) Cost or cost estimates; and
 - (F) Other pertinent information.

- (3) Upon approval of the request, the original memorandum shall be returned to the requestor and a copy forwarded to Supply and Accounting for processing. A copy shall also be forwarded to the President's office for filing.

Sec. 4.3. Sole source purchases. The following identifies the requirements and procedures to purchase goods, services or construction from one vendor.

- (1) A sole source purchase may be made when there is only one source available from which to purchase goods, services or construction.
- (2) A memorandum requesting a sole source purchase shall be submitted to the President for approval, prior to purchase. The memorandum shall include:
 - (A) A description of the goods, services or construction to be purchased;
 - (B) Justification for the purchase;
 - (C) Justification for the selection of the vendor as a sole source;
 - (D) Cost estimates; and
 - (E) Other pertinent information.
- (3) Justification must be provided, in writing, to warrant approval of a sole source purchase and shall include the following:
 - (A) A description of the feature, characteristic, or capability that is unique to the particular good, service or construction being requested;
 - (B) An explanation as to why this unique feature is essential in order to accomplish the requestor's work; and
 - (C) An explanation as to why the particular good, service, or construction having the unique feature is available from only one source.
- (4) Upon approval of the request, the original memorandum shall be returned to the requestor and a copy forwarded to Supply and Accounting for processing. A copy shall also be forwarded to the President's office for filing.

Sec. 4.4. Procurement of professional services. All procurement of professional services shall be executed in accordance with chapter 103 and 103D, Hawaii Revised Statutes, and approved by the President in consultation with the Vice President.

Sec. 4.5. When allowed. The President, in consultation with the Vice President may secure professional services in the following situations:

- (1) When the desired services require professional or technical competencies beyond those possessed by the Senate staff and the legislative agencies; or

- (2) When the personnel work force of the Senate staff and the legislative agencies is insufficient or simply unavailable to perform the desired services within the time required.

Sec. 4.6. Requirements and procedures to obtain professional services. The following identifies the requirements and procedures to obtain professional services.

- (1) "Professional services" means those services within the scope of the practice of architecture, landscaping architecture, professional engineering, land surveying, real property appraisal, law, medicine, accounting, dentistry, or any other practice defined as professional by the laws of this State.
- (2) A memorandum requesting the procurement of professional services shall be submitted to the President for approval, prior to purchase. The memorandum shall include:
 - (A) A description of the services to be purchased;
 - (B) Justification for the purchase;
 - (C) Terms and conditions required;
 - (D) Cost estimates; and
 - (E) Other pertinent information.
- (3) Upon approval of the request, the requestor shall contact the President's office for assistance with the process for acquiring professional services.

Chapter 5. Protests

Sec. 5.1. Protest procedures. The following outlines the procedures governing protests filed against any procurement made by the Senate.

- (1) Submittal of protest. A vendor who is aggrieved by a procurement decision may submit a written protest to the President. The written protest shall be submitted within five (5) working days after the aggrieved vendor knows or should have known of the unfavorable procurement decision. The written protest shall include:
 - (A) Name, address, and telephone number of the vendor;
 - (B) Appropriate identification of the procurement, such as a job number or contract number;
 - (C) Explanation of reasons for the protest; and
 - (D) Supporting and relevant exhibits, evidence, or documents to substantiate any claims.
- (2) Upon receipt, the protest shall be time stamped by the President's office.

- (3) Any additional information requested by any of the parties shall be submitted within ten (10) working days from the date of the request or within the time periods established by the requesting party, whichever is earlier.
 - (A) Failure to timely comply with a request for information may result in resolution of the protest without consideration of the requested information.
 - (B) Information that bears on the substance of a protest shall be made available upon written request, to any interested party. Information that is proprietary, confidential, or otherwise permitted or required to be withheld by law or rule shall not be made available.

Persons who wish to keep information submitted by them confidential should specifically make such a request. They shall identify the information within the documents submitted and indicate so on the front page of each document that contains the information.

- (4) A written decision on a protest shall be made by the President, within a reasonable time after receipt of a proper protest and all requested information. The decision shall:
 - (A) State the reasons for the decision;
 - (B) Inform the vendor of its right to initiate an appeal; and
 - (C) Be mailed or otherwise furnished immediately to the vendor.
- (5) Time limits for written decisions.
 - (A) The President shall issue a written decision on a claim not exceeding \$50,000 within ninety (90) days after receiving a written request for a decision;
 - (B) If a claim exceeds \$50,000 and the size and complexity of the claim requires more than the ninety days allowed for a decision, the President shall notify the vendor of the time within which the President will make the decision.
 - (C) If a decision is not received within the time established, the vendor may proceed as if an adverse decision had been received.
- (6) Action on solicitation. In the event of a timely protest, no further action shall be taken on the solicitation or award unless the President makes a written determination that action on the solicitation or award should proceed without delay to protect the substantial interests of the Senate.
- (7) Reimbursement of cost. If a protest is sustained, the available remedies include, but are not limited to:
 - (A) Remedies set forth in subsection (b) and subchapter 4 of the Hawaii Administrative Rules; and

- (B) If the vendor that should have been awarded the contract was not awarded the contract, in addition to any other relief, the Senate shall reimburse the vendor for the reasonable costs incurred by the vendor in connection with the solicitation, excluding legal fees.

Sec. 5.2. Request for reconsideration. The President's decision shall be final, unless within ten (10) working days of the decision of the President, the vendor appeals the decision in writing. The appeal shall include a detailed statement of the factual and legal grounds upon which reversal or modification of the decision is deemed warranted.

- (1) Within ten (10) days of the appeal, the President shall appoint a three member panel, comprised of senators, to review the appeal.
- (2) The panel shall make its recommendation within thirty (30) days after formulation of the panel and shall notify the President, in writing, of its recommendation. The President shall not be bound by the recommendations of the panel. The President shall notify the vendor, in writing, of the President's final decision within ten (10) days after receipt of the panel's recommendation.
- (3) If the President's final decision is not favorable to the vendor, the President shall inform the vendor of the vendor's right to an administrative appeal.
- (4) The President's final decision shall be final and conclusive, unless the vendor commences an administrative proceeding pursuant to section 103D-709, HRS, within five (5) working days after the final decision of the President.
- (5) Neither the President, nor any member of the panel shall be held to answer in an administrative proceeding for the President's final decision during a legislative session.

TITLE 4.

PAYMENTS AND RECEIPTS

This title establishes the policies and procedures governing the payment of Senate obligations and the deposit of Senate receipts. It covers all activities associated with the various types of payments; i.e., vendor, petty cash, payroll and allowances, and depositing of receipts.

Chapter 1. Payment to Vendors

Sec. 1.1. Scope of chapter. This chapter prescribes the controls and procedures to be followed in making payments to vendors.

Sec. 1.2. General control of warrants. To facilitate accountability, Senate warrants (or checks, as the case may be) shall be prenumbered at the time of printing. Unissued warrants are to be adequately safeguarded, and spoiled warrants are to be marked "VOID" and properly accounted for by the Accountant.

Sec. 1.3. Preparation of warrants and remittance advice. Warrants in payment of vendors' invoices are to be prepared by the Accountant and mailed within 30 days after receipt of invoices from the vendors, provided that the terms of purchase have been satisfied. The warrants prepared are to be listed on the form, "Remittance Advice" (exhibit 4.A) which is to be prepared in triplicate. The remittance advice serves as a record of all warrants prepared and issued by the Senate. It is also used to inform certain State agencies of the authorized warrants issued by the Senate.

Sec. 1.4. Review and approval for payment. The Clerk shall be responsible for reviewing the warrants, remittance advice, and the documents supporting the expenditures. In conducting this review, the Clerk shall (a) ascertain that all warrants presented for review are listed on the remittance advice; (b) ascertain that the warrants are properly substantiated by supporting documents, i.e., purchase orders, vendors' invoices, and delivery documents; and (c) account for the sequential numbering of the warrants presented for review. Upon satisfactory completion of the above review, the remittance advice shall be approved by the Clerk.

Sec. 1.5. Signing of warrants. The President or the Vice President and the Clerk are the persons authorized to sign warrants. A facsimile signature machine may be used to affix the authorized signature on the warrants. Warrants are to be processed for signature after the remittance advice has been approved by the Clerk. Access to the facsimile signature machine shall be limited to the Clerk or such employee as the Clerk may designate, except that such designee shall not be the Accountant. The facsimile signature plate, when not in use, shall be removed from the machine and kept under lock and key. A log on the use of the facsimile signature machine shall be maintained. The Accountant shall periodically reconcile the total warrants signed and issued as shown by the Accountant's records with the total number of warrants processed as shown by the facsimile signature machine log.

After the signing of warrants, the Clerk shall ensure that all supporting documents are cancelled with a paid date stamp or other similar markings. The approved remittance advice, cancelled supporting documents, and signed warrants shall be routed to the Accountant for disposition.

Sec. 1.6. Mailing of warrants and distribution of remittance advice. The Accountant shall prepare the warrants for mailing and deliver the envelopes to the mailroom for mailing by the Sergeant-

at-Arms. The three copies of the remittance advice shall be distributed by the Accountant as follows: the first copy to the State Department of Accounting and General Services for the recording of the Senate disbursements in the statewide accounts; the second copy to the State Department of Budget and Finance to be used as the basis for honoring warrants issued by the Senate against the State treasury; and the last copy is to be retained by the Accountant for the Accountant's files.

Sec. 1.7. Outstanding warrants. Warrants outstanding for more than 90 days shall be investigated by the Accountant. After diligent efforts are made to contact the payees, the Accountant shall be relieved from further investigation of warrants which continue to be outstanding for more than 180 days. When new warrants are issued to replace the old outstanding warrants, the State Department of Accounting and General Services and the Department of Budget and Finance are to be notified of such actions.

Chapter 2. Payroll

Sec. 2.1. Scope of chapter. This chapter outlines the controls and procedures governing the payroll of legislators, permanent employees, and temporary employees.

Sec. 2.2. "Permanent employee" and "temporary employee" defined. "Permanent employees" are employees who are expected to be employed throughout the year and for an indefinite period, and who qualify for all benefits afforded regular State employees. "Temporary employees" are employees hired on a temporary basis, i.e., employees who are not expected to be employed throughout the year but are employed only for a limited period such as during legislative sessions, and who do not qualify for the benefits afforded regular State employees. All employees serve at the pleasure of the Senate.

Sec. 2.3. Payroll of legislators and permanent employees. The following provisions shall govern the payroll of legislators and permanent employees:

- (1) Pay period. All employees shall be on a payroll lag. Permanent employees and legislators shall be paid their monthly salary in two equal installments. The first installment is payable on the 5th and the second installment is payable on the 20th day of each month of service.
- (2) Personnel action form. State Form SF-5, "Notification of Personnel Action," shall be used for initiating and authorizing personnel actions affecting the payroll of legislators and permanent employees. Personnel actions include the initial placement of the name on the payroll, changes in the rate of pay, and the discontinuance of pay because of termination of employment. The SF-5 shall be prepared by the Accountant and signed by the Clerk for personnel actions affecting legislators or by the appointing authority for personnel actions affecting permanent employees. Placement of the name on the payroll, and changes in the rate of pay must first be approved by the President. The certification of the State Director of Personnel Services as noted on the SF-5 need not be obtained. Distribution of the SF-5 shall be in accordance with the State accounting manual.
- (3) Services of DAGS. The services of the State Department of Accounting and General Services (DAGS) shall be used for the preparation of the payroll register, which is a listing of individuals entitled to pay and the amount of gross pay, deductions, and net pay for each; preparation of the pay warrant and earnings statement for each individual listed

on the payroll register; and the preparation and filing of the required payroll tax returns and forms.

- (4) Payroll change schedule. At the beginning of each pay period, DAGS furnishes the Accountant with a copy of the payroll register of the previous pay period. Any changes to the payroll for the current pay period are to be noted on the payroll register by the Accountant. The payroll register, with the changes, is known as the payroll change schedule. This schedule shall be signed by the Clerk before its submission to DAGS.
- (5) Distribution of pay warrant and earnings statement. The Accountant shall pick up the pay warrants and earnings statements on each pay day from DAGS. The Accountant shall seal the warrants in envelopes and deliver them or mail them to the appropriate employee.

Sec. 2.4. Payroll of temporary employees. The following provisions shall govern the payroll of temporary employees.

- (1) Pay period. Temporary employees shall be paid their wages in two equal installments. The first installment is payable on the 5th and the second installment is payable on the 20th day of each month of service. Authorized days of employment for temporary employees are legislative days, recess days and other days authorized by the Senate President.
- (2) Attendance report. Each legislator, committee chair, or administrative superior shall submit an attendance report to the Accountant for all temporary employees under the Accountant's supervision. The "Attendance Report for Temporary Employees" (exhibit 4.B), shall be used for this purpose. The attendance report serves as the record upon which the payroll for temporary employees is prepared.
- (3) Preparation of payroll. The Accountant shall prepare the following items relating to payroll: (a) a payroll register; (b) pay warrant and earnings statement for each temporary employee entitled to pay; and (c) a remittance advice listing all pay warrants to be issued.
- (4) Review and approval for payment. The Clerk shall be responsible for the review of the pay warrants and the accompanying remittance advice. In conducting this review, the Clerk shall: (a) ascertain that pay warrants presented for review are listed on the remittance advice; (b) ascertain that the names listed on the remittance advice include only authorized hires; and (c) account for the sequential numbering of all pay warrants presented for review. Upon the satisfactory completion of the above review, the remittance advice shall be approved by the Clerk.
- (5) Signing of pay warrants and distribution of remittance advice. The procedures for the signing of pay warrants and distribution of remittance advice shall be the same as the procedures for the vendor payment process outlined in sections 1.5 and 1.6 of this title.
- (6) Distribution of pay warrants and earnings statement. Individual pay warrants and earnings statements shall be sealed in the envelopes by the Accountant and delivered or mailed to the appropriate employees.

Chapter 3. Allowances

Sec. 3.1. Scope of chapter. This chapter covers the general provisions and the process for the payment of allowances.

Sec. 3.2. General provisions. Provisions governing when and the conditions under which allowances are to be paid and the amount of allowances are contained in sections 1.3 and 1.4 of Title 1 for the general allowances that are payable to legislators and Title 2 for travel allowances that are payable to legislators and legislative employees.

Sec. 3.3. Payment process. The payment process for allowances shall be the same as the vendor payment process detailed in sections 1.3 through 1.6 of this title, except that there shall be supporting documentation (i.e., Travel Authorization or Statement of Completed Travel forms) whenever applicable.

Chapter 4. Receipts

Sec. 4.1. Deposit of receipts. Senate receipts shall be deposited in the State treasury no later than weekly by the Accountant. State accounting Form B-13, "Treasury Deposit Receipt," shall be used for this purpose. Whenever possible, only money orders or checks payable to the State Senate should be accepted.

TITLE 5.

FINANCIAL ACCOUNTING AND REPORTING

This title sets forth the method, maintenance and reporting of finances.

Chapter 1. Financial Accounting and Reporting

Sec. 1.1. Scope of chapter. This chapter establishes the policies and procedures governing the recording of financial transactions. It prescribes the method of accounting and the manner in which financial records are to be maintained.

Sec. 1.2. Budget format. The budget shall contain an estimate of the total expenditures for the year. The budget shall contain the budget categories described as set forth in the Senate Budget Form and the appropriate cost elements under each budget category (exhibit 5.A). In the development and preparation of a budget, the President in consultation with the Vice President shall ascertain whether circumstances and conditions require revisions to the budget format including changes to budget categories.

Sec. 1.3. Budgetary control. The President, Vice President, and Chief Clerk shall be responsible for monitoring expenditures to ensure that total expenditures do not exceed budgetary limits.

Sec. 1.4. Method of accounting. The accounting records of the Senate shall be maintained on a cash basis of accounting. Under this method, expenditures are recorded when paid and receipts are recorded when received. Encumbrances and accounts payable, although not recorded in the formal accounting records, are to be taken into account for financial reporting purposes.

Sec. 1.5. Maintenance of records. The Accountant shall be responsible for maintaining the accounting records of the Senate. A separate set of accounts shall be kept in a manner which will ensure control over expenditures. At a minimum, a separate account shall be maintained for each budgetary cost element.

Sec. 1.6. Reporting. The Accountant shall prepare periodic financial reports. Such reports, as well as other financial reports as requested, shall be submitted to the President and Vice President. Monthly financial reports shall be submitted to the President and Vice President within ten working days after the end of each month. A copy of each financial report shall be made available to each legislator and for public inspection.

TITLE 6.

EMPLOYEE CLASSIFICATION

This title sets forth the duties of the various classes of employees in the Senate.

Chapter 1. Employee Classification

Sec. 1.1. Scope of chapter. This chapter describes the various classes of employees, the kinds of positions for each class, and duties associated with each position.

Sec. 1.2. Support to individual senators. Each Senator is authorized to appoint employees to serve as the Senator's personal staff.

A. Legislative Office Manager

Duties and responsibilities. Legislative Office Managers shall be appointed by individual legislators to manage the affairs of the legislator's office. Under the general supervision and direction of a Senator, a Legislative Office Manager shall:

- (1) Perform a variety of information gathering fundamental to all varieties of legislative research;
- (2) Participate intensively in the management and day-to-day operations of the office;
- (3) Perform related duties as assigned by the member; and
- (4) Maintain confidentiality.

Recommended minimum qualifications. The recommended qualifications of the Legislative Office Manager shall include knowledge of office practices and procedures as they relate to legislative operations; the operation and operational maintenance of various office appliances and equipment; basic principles, methodology, and techniques of legislative research; government programs and policies; and the legislative process and operations.

In addition, the Legislative Office Manager shall have the ability to plan, organize, and carry out a broad range of functions, including preparing for public hearings or informational briefings; preparing correspondence, summaries, and congratulatory certificates requiring judgment as to appropriate format and conforming to all the rules of grammar and style; communicating effectively and deal tactfully with others; maintaining confidentiality; and, for some positions, computer proficiency.

B. Legislative Assistant

Duties. Under the supervision of a Senator, answers all inquiries of and provides assistance to the Senator's constituents; compiles and maintains a file on legislative measures introduced by the Senator; coordinates the Senator's public

relations; maintains the Senator's appointment calendar; performs receptionist duties; maintains correspondence files; provides typing and clerical services; maintains office reference materials and personnel records of the office; controls office equipment and supplies; handles routine inquiries from the public; and performs other duties as assigned by the Senator. A legislative assistant shall maintain confidentiality. For a majority party Senator who is a chair of a Senate standing committee, it is recommended that the Senator's Legislative Assistant also serve as the Senator's committee clerk and be able to perform the duties and meet the qualifications specified in section 1.5(A) of this chapter.

Recommended minimum qualifications. The ability to handle personal and confidential matters; some familiarity with the legislative process; the ability to communicate with the public; knowledge of office procedures and practices; the ability to deal with a variety of tasks and to solve problems as they arise; and proficiency in the use of personal computers.

C. Other Support Staff

In addition to the above position, each Senator may employ additional support personnel during the session such as clerk- typists and research assistants provided the Senator does not exceed the daily dollar allotment for staff salaries as authorized by the Senate. Thus, the size and makeup of each Senator's personal staff varies from Senator to Senator depending on the utilization pattern by each Senator of the Senator's authorized daily allotment.

The term of employment of any employee hired under this section shall co-terminate with the Senator's term of office if the employee's employing Senator retires from the elective office of Senator, is not re-elected, or otherwise leaves or is removed from the elective office of Senator.

Sec. 1.3. Senate majority party support staff. The Senate majority party support staff consists of a director, majority attorney, assistant director, attorneys, researchers, secretaries and such other staff as may be authorized by the President.

A. Director

Appointed by the President.

Duties. The administrative head of the Senate Majority Research Office, manages the daily operations of the Office; reviews the work of the Senate Majority Research Office staff; assists in identifying issues, trends, and problems of significance to the Legislature; plans and coordinates a training program for Senate staff; and performs other related duties as directed by the President.

Qualifications. The minimum qualifications for the Director shall include knowledge of government policies and programs, familiarity with research and statistical methodology, and familiarity with the legislative process. The Director shall have planning, supervisory, and organization skills, be able to work effectively under pressure and meet deadlines, communicate clearly, concisely, and effectively, exercise tact and judgment, and maintain confidentiality.

B. Majority Attorney

Appointed by the President to service the majority membership of the Senate.

Duties. The chief legal counsel of the Senate, renders legal advice, opinions, and counsel to members of the Senate on matters pertaining to the performance of their legislative duties, to legislative business, and to such other legal matters as may affect the Senate and its members; coordinates the legal research conducted by Senate Majority Research Office attorneys and reviews all legal memoranda resulting therefrom; coordinates and conducts legal reviews of draft and final legislation and committee reports; and performs other related duties as directed by the President.

Qualifications. The minimum qualifications of the Majority Attorney shall include a graduate degree (J.D.) from an accredited law school and a license to practice in the State of Hawaii and federal district courts. The Majority Attorney shall be familiar with the legislative process, bill drafting techniques, and federal, state, and county laws, rules, organization, functions, operations, policies, programs, and procedures.

In addition, the Majority Attorney shall have the ability to supervise subordinates, maintain confidentiality, deal effectively with government officials, apply ingenuity and inventiveness in devising solutions to problems of unusual difficulty and precedent establishing nature, work effectively under pressure and meet deadlines, train and develop the skills of legislative attorneys and other staff, and write and communicate clearly, concisely, persuasively, and effectively.

C. Assistant Director/Assistant Majority Attorney

Appointed by the President in consultation with the Majority Attorney and Director.

Duties. Under the supervision of the Director or Majority Attorney, as appropriate, assists the Director with managing the daily operations of the Office; assists the Majority Attorney in fulfilling the Majority Attorney's duties; reviews the work of the Senate Majority Research Office staff; assists in identifying issues, trends, and problems of significance to the Legislature; performs other related duties as directed by the Director or the Majority Attorney; and serves as the Acting Director or Acting Majority Attorney, as appropriate, in their absence.

Qualifications. The minimum qualifications for the Assistant Director/Assistant Majority Attorney shall include a graduate degree (J.D.) from an accredited law school and a license to practice in the State of Hawaii and federal district courts. The Assistant Director/Assistant Majority Attorney shall be familiar with the legislative process, bill drafting techniques, and federal, state, and county laws, rules, organization, functions, operations, policies, programs, and procedures.

In addition, the Assistant Director/Assistant Majority Attorney shall have the ability to supervise subordinates, maintain confidentiality, work effectively under

pressure and meet deadlines, train and develop the skills of legislative attorneys and other staff, and write and communicate clearly, concisely, persuasively, and effectively.

D. Attorneys

Appointed by the President in consultation with the Majority Attorney and Director.

Duties. Under the supervision of the Director, attorneys may be assigned to the Majority Attorney to conduct legal research, draft legal memoranda, and conduct legal review of legislation and committee reports. Attorneys who serve as attorney/researchers also perform duties of researchers described below under the supervision of the Director and perform other duties as may be assigned by the Majority Attorney or Director.

Qualifications. The minimum qualifications of Senate Attorneys shall include a graduate degree (J.D.) from an accredited law school. It is desirable, although not necessary, that an attorney has successfully completed the Hawaii Bar examination and is qualified to be licensed to practice law in Hawaii and federal courts. In addition, Senate Attorneys shall demonstrate familiarity with federal, state, and county laws, rules, organization, functions, operations, policies, programs, and procedures, knowledge of legislative drafting techniques, familiarity with precedent setting opinions rendered by courts that may have impact on state and county government, maintain confidentiality, and the ability to write and communicate clearly, concisely, and effectively.

E. Researchers

Appointed by the President in consultation with the Director.

Duties. Under the supervision of the Director, researchers draft legislation, committee reports, speeches, and congratulatory and other certificates of recognition; provide training and consultative assistance to session staff; conduct factfinding, evaluative, and investigative research; analyze data; and make recommendations in the form of research memoranda, letters, information briefs, or reports. Researchers also respond to inquiries from Senators and their staff and other government agencies and perform other duties as may be assigned by the Director.

Qualifications. Experience in performing research-related work for the legislature; knowledge of State programs and of the legislative process; and the ability to draft reports and legislation.

F. Administrative Services Manager

Appointed by the Director subject to the approval of the President.

Duties. Serves as the executive secretary to the Director. Under the supervision of the Director, assists the Director in managing the daily operations of the Senate Majority Research Office, maintains internal office records, including personnel and correspondence files; maintains reference materials and report files; conducts and

maintains an inventory of office equipment and supplies; and assists the Director in coordinating the Senate's reporting requirements under the Uniform Information Practices Act. Assists the Secretarial Pool Supervisor with word processing duties. Performs other duties as may be assigned by the Director.

Qualifications. The minimum qualifications of the Administrative Services Manager shall include knowledge of supervisory principles and practices, general administrative principles and procedures applicable to organizations, general office practices and procedures, and the operation and maintenance of various office appliances and equipment. In addition, the Administrative Services Manager shall be able to supervise, plan, and organize a broad range of secretarial and office functions, develop a working knowledge of the responsibilities and practices of the Legislature and the Senate, comprehend and implement the policies of the Senate Majority Research Office, serves as the Senate Majority Research Office's liaison on matters pertaining to the legislative computer system, work effectively and meet deadlines, proof and edit legislative documents, legal memoranda, and complex correspondence requiring judgment as to appropriate format and conformance to the rules of grammar and style, communicate clearly, concisely, and effectively, exercise tact and judgment, and maintain confidentiality.

G. Secretarial Pool Supervisor

Appointed by the Director subject to the approval of the President.

Duties. In addition to the duties of a secretary as described below, under the direction of the Administrative Services Manager, oversees and coordinates the requests for service and the workload of the secretarial pool, and trains and supervises any temporary word processing staff hired during the session.

Qualifications. The minimum qualifications of the Secretarial Pool Supervisor shall include a knowledge of grammar, spelling, general office practices and procedures, the operation of various office appliances and equipment, knowledge of the legislative computer system and its applications, proficiency in the use of personal computers, and knowledge of secretarial principles and practices. In addition, the Secretarial Pool Supervisor shall have the ability to supervise, plan, organize, and carry out a broad range of secretarial and clerical functions; develop a working knowledge of legislative procedures and practices, work effectively under pressure and meet deadlines; type accurately at an acceptable rate of speed, prepare and edit legislative documents, legal memoranda, and complex correspondence requiring judgment as to appropriate form and conformance to the rules of grammar and style, maintain confidentiality, and communicate effectively and deal tactfully with others.

H. Secretaries

Appointed by the Director subject to the approval of the President.

Duties. Under the supervision of the Director, primarily responsible for the Senate Majority Research Office's word processing needs with respect to correspondence, legislative documents, reports, and manuals drafted by the attorneys and

researchers. Maintains the request for service log and files. Assists the Administrative Services Manager with the office equipment, supplies, and receptionist duties. Assists attorneys and researchers in performing certain ministerial research tasks.

Qualifications. The minimum qualifications of a Secretary shall include the ability to type accurately at an acceptable rate of speed, proficiency in the use of personal computers, knowledge of office procedures and practices, and the ability to deal with a variety of secretarial tasks and solve problems as they arise.

Sec. 1.4. Senate minority party support staff. The minority party is authorized to appoint a staff consisting of attorneys, researchers, and secretaries. These employees are appointed by the minority party leadership subject to the approval of the President and are responsible for providing research and related clerical services to the minority members of the Senate. The duties and qualifications of these employees are generally the same as that of their respective counterparts on the Senate majority staff.

Sec. 1.5. Standing committees support staff. Each standing committee is serviced during the session by committee clerks, attorneys, fiscal analysts, committee secretaries, and other staff, as necessary, as may be authorized for the committee by the Senate.

A. Committee Clerks

Appointed by the respective committee chairpersons.

Duties. Under the general direction of the committee chairperson, coordinates committee hearings, meetings, and field trips; processes all committee correspondence; assembles and prepares bills and testimonies for hearings; drafts resolutions and committee reports; digests legislation referred to the committee; reviews reports and recommends courses of action to the committee chairperson; and performs other related duties as required.

Qualifications. Familiarity with the legislative process and operations; ability to deal with government officials, legislators, and the general public; proficient in the use of personal computer systems of the Legislature; some knowledge of office procedures and practices; and the ability to review bills and draft committee reports.

B. Attorneys

Appointed by the respective committee chairpersons for the session.

Duties. Under the supervision of the committee chairperson, conducts legal research, drafts legal memoranda, and conducts legal review of legislation and committee reports.

Qualifications. The minimum qualifications of attorneys shall include a graduate degree (J.D.) from an accredited law school. It is desirable, although not necessary, that an attorney has successfully completed the Hawaii Bar examination and is qualified to be licensed to practice law in Hawaii and federal courts. In addition, attorneys shall demonstrate familiarity with federal, state, and county laws, rules, organization, functions, operations, policies, programs, and procedures, knowledge of

legislative drafting techniques, familiarity with precedent setting opinions rendered by courts that may have impact on state and county government, maintain confidentiality, and the ability to write and communicate clearly, concisely, and effectively.

C. Fiscal Analysts

Appointed by the appropriate chairpersons for session.

Duties. Under the supervision of the committee clerk, fiscal analysts assist Senate standing committees in the evaluation of financial information and in the identification of issues, trends, and problems of significance to the Senate and its committees; and perform other related duties as directed.

Qualifications. Research experience in government finance including taxation; and understanding of public financial administration concepts; familiarity with the State's revenue system; general understanding of planning-programming-budgeting concepts and economic and statistical theories as they apply to governmental finances; familiarity with State and County programs; and general knowledge of the legislative process and operations.

D. Committee Secretaries

Appointed by the respective committee chairpersons for the session.

Duties. Under the supervision of the committee chairperson, maintains correspondence and report files pertaining to a committee's activities; provides stenographic, typing and clerical services in support of the committee's work; handles inquiries from the public concerning the status of legislation referred to the committee; assist in preparing public hearing agenda and recording minutes of committee deliberations; and performs other related duties as directed by the committee chairperson.

Qualifications. Proficiency in the use of personal computers; knowledge of office procedures and practices; general understanding of the legislative process and operations; and the ability to deal and communicate with government officials, legislators, and the general public.

Sec. 1.6. Senate President's staff. Staff support for the President may consist of a Chief-of-Staff, communications specialist, administrative assistants, special administrative assistants, secretaries, research assistants, or aides. All staff shall be appointed and discharged at the pleasure of the President. The President shall set the salaries of the President's staff at a level commensurate to each individual staff member's experience and expertise.

Sec. 1.7. Vice President's staff. Staff support for the Vice President may consist of an office manager, administrative assistants, a budget analyst, and aides. All staff shall be appointed and discharged at the pleasure of the Vice President. The Vice-President, in consultation with the President, shall set the salaries of the Vice President's staff at a level commensurate to each individual staff member's experience and expertise.

Sec. 1.8. Administrative Support Staff. Administrative support services for the Senate is provided by permanent and session employees. Permanent employees include the Clerk, Assistant Clerk, Sergeant-At-Arms, Assistant Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Administrative Services Manager, Receptionist, Human Resources Specialist, Data Systems Manager, Program Analysts, Accountant, Account Clerks, Printshop Manager and Assistant Printshop Manager. Session employees include such other personnel as required.

A. Senate Clerk

Permanent full-time position elected and removed by a majority vote of the members of the Senate.

Duties. Under the general direction of the President, is responsible for overseeing the administrative and housekeeping operations of the Senate; keeps the President informed of matters affecting Senate operations; maintains records and minutes of Senate proceedings; provides data with respect to the status of bills and resolutions; ensures that the records of the various committees are filed at the State archives at the end of each legislative session; performs other duties specified in the Rules of the Senate and the Administrative and Financial Manual of the Senate; is responsible for the publishing of the Senate Journal; participates in or coordinates studies directed toward improving legislative operations; supervises all permanent administrative support staff; and performs other duties related to Senate proceedings as requested by the President.

Qualifications. Substantial knowledge of the legislative process and operations; ability to supervise and manage other employees; proficiency in the use of personal computers; and familiarity with modern business practices and procedures.

B. Assistant Clerk

Permanent full-time position elected and removed by a majority vote of the members of the Senate.

Duties. Under the supervision of the Clerk, assists the Clerk in all duties charged to the Clerk.

Qualifications. Knowledge of the legislative process and operations; ability to supervise and manage other employees; proficiency in the use of personal computers; and familiarity with modern business practices and procedures.

C. Sergeant-At-Arms

Permanent full-time position elected and removed by a majority vote of the members of the Senate.

Duties. Under the supervision of the President, is responsible for property control and the custodial, messenger, security, and postal services of the Senate. Coordinates the assignment of office space, purchase of office supplies, and inventory control systems; establishes and maintains an inventory control report; establishes and maintains an operational manual for the Sergeant-at-Arms office; performs other related

duties specified in the Rules of the Senate and Administrative and Financial Manual of the Senate; and performs other duties as requested by the President.

Qualifications. Substantial knowledge of legislative operations; ability to supervise and manage other employees; proficiency in the use of personal computers; experience and knowledge of property management practices and office procedures.

D. Assistant Sergeant-at-Arms

Permanent full-time position elected and removed by a majority vote of the members of the Senate.

Duties. Under the supervision of the Sergeant-at-Arms, assists Sergeant-at-Arms in all duties charged to the Sergeant-at-Arms.

Qualifications. Knowledge of legislative operations; ability to supervise and manage other employees; proficiency in the use of personal computers; experience and knowledge of property management practices and office procedures.

E. Accountant

Permanent full-time position appointed and removed by the Clerk in consultation with the President.

Duties. Under the supervision of the Clerk in consultation with the President, assists in the preparation of the Senate budget; maintains books of accounts; prepares financial statements; processes payroll and vendor payments; and performs other related duties specified in the Rules of the Senate and the Administrative and Financial Manual of the Senate.

Qualifications. Accounting or auditing experience; knowledge of State statutes and regulations applicable to governmental accounting; ability to supervise other employees; proficiency in the use of personal computers; thorough knowledge of legislative operations and office procedures and methods; and ability to meet deadlines.

F. Account Clerk

Employees appointed by the Clerk subject to the approval of the President.

Duties. Assists the Accountant in the preparation of financial statements, the processing of payroll and vendor payments, and in the performance of other bookkeeping functions.

Qualifications. Bookkeeping experience; knowledge of State and Senate procedures governing payroll and purchasing; proficiency in the use of personal computers; familiarity with office procedures and methods; ability to meet deadlines.

G. Journal Clerk

Permanent full-time position appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Clerk, records the proceedings of each day's session; notes all floor action taken on legislative measures, deliberations, and floor speeches; transcribes each day's proceedings; and after the session is completed, prepares the final draft of the Senate Journal for printing.

Qualifications. Knowledge of the legislative process and procedures; ability to type and transcribe with speed and accuracy; proficiency in grammar, spelling, and office practices and procedures; proficiency in the use of personal computers; ability to supervise and manage employees; and the ability to meet deadlines.

H. Assistant Journal Clerk

Permanent full-time position appointed by the Clerk subject to the approval of the President.

Duties. Assists the Journal Clerk in recording the proceedings of each day's session; notes all floor action taken on legislative measures, deliberations, and floor speeches; transcribes each day's proceedings; and after the session is completed, assists in the preparation of the final draft of the Senate Journal for printing.

Qualifications. Ability to type and transcribe with speed and accuracy; proficiency in the use of personal computers; and the ability to meet deadlines.

I. Administrative Services Manager

Permanent full-time employee appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Clerk, manages and supervises the recording of floor actions, prepares the Order of the Day and the Order of Business for each legislative session; prepares legislation for permanent recording; coordinates the routing of bills and resolutions; assists in the handling of floor amendments; prepares the bill jackets; and performs other related duties as required.

Qualifications. Considerable knowledge of the management and supervisory techniques relating to the clerical aspects of the legislative process; knowledge of office procedures and methods; proficiency in the use of personal computers; ability to supervise and manage employees; and ability to meet deadlines.

J. Receptionist

Permanent full-time employee appointed by the Clerk subject to approval of the President.

Duties. Provides general typing and clerical services; provides receptionist services and exercises good judgment in dealing with callers, visitors, other employees,

members of the Legislature, and members of the public; provides general administrative office support; performs related duties as directed by the Clerk.

Qualifications. Knowledge of general office procedures and practices; ability to type accurately at an acceptable rate of speed; and ability to meet deadlines.

K. Office Manager

Permanent full-time employee appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Sergeant-at-Arms, performs receptionist duties, maintains office files, correspondence, equipment, and supplies. Supervises and trains session staff; provides administrative office support; performs related duties as directed by the Sergeant-at-Arms.

Qualifications. Knowledge of general office procedures and practices; ability to supervise and manage employees; ability to meet deadlines.

L. Engrossing Clerks

Session employees appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Clerk, provides clerical and typing services; engrosses all bills, resolutions, and related matters; performs other related duties as required.

Qualifications. Excellent typing and proofreading skills; proficiency in the use of personal computers; and familiarity with office procedures; ability to meet deadlines.

M. Data Entry Clerks

Session employees appointed by the Clerk in consultation with the respective administrative superior under whom the clerk-typists shall serve subject to the approval of the President.

Duties. Provide data entry, typing, clerical and receptionist services and perform other related duties as required.

Qualifications. Ability to type; proficiency in the use of personal computers; and knowledge of general office procedures and practices; ability to meet deadlines.

N. Human Resources Specialist

Permanent full-time employee appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Clerk, coordinates personnel and human resources activities and programs of the Senate, including recruitment, compensation, benefits, classification, training and development, labor relations, affirmative action and employee welfare programs; and performs other related duties as directed.

Qualifications. A bachelor's degree in human resources or labor and industrial relations or comparable work experience in human resources. Knowledge of state and federal labor laws and human resources practices. Ability to work independently, organize and plan programs and activities, speak, write, and present effectively, and meet deadlines. Excellent interpersonal and facilitation skills and proficiency in personal computers and general office procedures and practices.

O. Data Systems Manager

Permanent full-time employee appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Clerk, coordinates the planning and administration of services relating to information systems in the Senate. Directs and supervises programmer analysts; assists users with hardware and software problems encountered on the system; coordinates the implementation of enhancements to the system; serves as liaison between computer vendors and the Senate. Maintains control over computer equipment, software, and computer-related supplies and accessories; ensures the security, integrity, and proper functioning of the computer systems in the Senate; and performs other related duties as directed.

Qualifications. A bachelor's degree in computer sciences or management information systems; and computer system and facility management experience. Ability to plan, organize and manage all data systems activities and supervise employees.

P. Programmer Analyst

Permanent full-time employee appointed by the Clerk subject to the approval of the President.

Duties. Under the supervision of the Data Systems Manager, analyzes, maintains, and creates computer programs and provides user support services to the agencies and offices of the Senate; assists in the training of legislative staff; maintains the Legislature's website; sets up and maintains computers and servers used for ongoing operations and special projects; and performs other duties as directed by the Data Systems Manager.

Qualifications. A bachelor's degree in computer science or management information systems or comparable work experience involving technical support or computer programming.

Q. Supply Clerk

Permanent full-time employee appointed by the Clerk subject to approval by the President.

Duties. Under the supervision of the Sergeant-At-Arms, manages and coordinates the provision and inventory of material, equipment, supplies, and distribution of services for the Senate; and performs related duties as directed by the Sergeant-At-Arms.

Qualifications. Knowledge of procurement and supply practices; applicable state and county laws, rules, and standards required in the execution of assignments; principles, procedures, techniques, and practices of inventory management and property control; office and storekeeping practices and procedures. Ability to supervise and manage employees.

R. Printshop Manager

Appointed by the Clerk in consultation with the President.

Duties. Under the supervision of the Clerk, plans, directs, and supervises all printshop activities. Directs and supervises printshop operators; ensures the quality standards or reproduced material; supervises the collation and binding of reproduced materials; develops and maintains a filing system of reproduced material; requisitions and maintains printshop inventory; and performs other related duties as directed.

Qualifications. Knowledge of business practices relating to procurement of supplies and equipment; experience in the operation and maintenance of printshop equipment; ability to plan, organize and manage all printshop activities and employees; and ability to meet deadlines.

S. Assistant Printshop Manager

Appointed by the Clerk in consultation with the President.

Duties. Under the supervision of the Clerk and the printshop manager, assists the printshop manager in planning, directing and supervising all printshop activities; performs other related duties as required.

Qualifications. Experience in the operation and maintenance of printshop equipment; ability to supervise other employees; and ability to meet deadlines

T. Printshop Operators

Session employees appointed by the Clerk in consultation with the President.

Duties. Under the supervision of the printshop manager, assists in the reproduction of legislative documents; operates paper-cutting and stapling machines; collates reproduced materials; maintains printing equipment in good operating condition; and performs other related duties as directed.

Qualifications. Able to operate printshop equipment; physically perform the duties assigned; and meet deadlines.

U. Service Aides

Session employees appointed by the Clerk in consultation with the President.

Duties. Under the supervision of the Sergeant-at-Arms, provides custodial, messenger and copying services; security for buildings and personnel; traffic control; and other related services.

Qualifications. Able to perform the assigned duties and meet deadlines.

TITLE 7.

PERSONNEL ADMINISTRATION

This title establishes the policies and procedures relating to personnel administration. It covers staff appointments, hours of work, leaves of absence, employee welfare, terminations, and code of conduct. Personnel matters relating to employee classification are discussed in this manual.

Chapter 1. Staff Appointments

Sec. 1.1. Scope of chapter. This chapter describes the process of appointing permanent, session, and temporary employees.

Sec. 1.2. Appointments, general. Appointments to positions authorized in the budget shall be made by the appointing authority designated in this manual. All newly appointed permanent employees shall be subject to a six month probation period commencing on the permanent employee's first day of work; provided that an appointing authority may extend the probation period for good cause. During the probation period, an employee may be terminated at will and the amount of advance notice given to a probationary employee shall be at the discretion of the employee's appointing authority.

Sec. 1.3. Staff appointments. The appointing authority shall fill out staff appointments on the form, "Staff Appointment" (exhibit 7.A). The completed form is to be forwarded to the Accountant. The Accountant shall review the form to ensure that the appointments are within budgetary dollar and position limits.

Sec. 1.4. Preparation of personnel forms. All new employees are required to contact the Accountant to complete the following personnel forms:

- (1) Employee's Withholding Allowance Certificate (Federal Form W-4).
- (2) Employee's Withholding Exemption and Status Certificate (State Form HW-4).
- (3) "Personnel Data" (exhibit 7.B).
- (4) Proof of Citizenship (INS form) (exhibit 7.C). Federal law requires that this form be completed within five days of hiring.

In addition to the above forms, permanent employees shall complete the personnel forms necessary for enrollment in the employee welfare programs covered in section 4.2 of this title.

Chapter 2. Hours of Work

Sec. 2.1. Scope of chapter. This chapter describes the typical work day and holiday schedule.

Sec. 2.2. General. The normal hours of work for full-time permanent and temporary employees of the Senate are from 7:45 a.m. to 4:30 p.m., Monday through Friday; provided that the President may establish such other normal hours of work for any or all employees of the Senate as the President shall deem necessary and proper for the purposes of the Senate; and provided further that employees shall be

expected to work additional hours to meet workload or legislative demands. Permanent and temporary employees shall not be paid additional compensation for work in excess of the normal working hours.

Sec. 2.3. Holidays. Employees shall not be required to work on those State holidays designated in section 8-1, HRS, except when workload or legislative demands require them to do so. Special holidays granted to State employees by the governor may be granted to employees at the discretion of the President. Employees shall be entitled to pay for holidays. Part-time employees shall be entitled to pay for holidays which fall on their scheduled workday.

Chapter 3. Leaves of Absence

Sec. 3.1. Scope of chapter. This chapter establishes the policies and procedures governing vacation, sick leave, funeral leave, and other leave for employees.

Sec. 3.2. Vacation. Permanent employees of the Senate shall earn vacation credits with pay at a rate of one and three-quarters working days for each month of service. Employees shall take workload and legislative demands into consideration when scheduling their vacations. No vacations will be permitted when the legislature is in session.

Sec. 3.3. Sick leave. Permanent employees of the Senate shall earn sick leave credits with pay at the rate of one and three-quarters working days for each month of service.

Sec. 3.4. Funeral leave. Employees shall be granted three days leave with pay upon the death of any member of their immediate families. The definition of "immediate family" shall be in accordance with that prescribed for regular State employees. Part-time employees shall be granted funeral leave with pay only when such leave falls on their scheduled workdays.

Sec. 3.5. Other leaves. Permanent employees of the Senate shall be granted military, jury, family, and other leave allowable by law for regular State employees.

Sec. 3.6. Leave requests. Whenever a permanent employee requests a leave of absence or returns to work after an illness, the employee shall complete the form, "Application for Leave of Absence" (exhibit 7.D). The request shall be submitted to the President through the administrative superior of such employee for approval by the President and forwarded to the Accountant. In reviewing each employee's request, the President shall verify with the Accountant that the employee has sufficient leave credits accumulated to cover the number of days of leave requested. The President may delegate the President's authority to approve leave of absence to the administrative assistant.

Sec. 3.7. Leave extensions or early returns. Whenever an employee on leave wishes to extend the employee's leave or returns to work prior to the expiration of the employee's approved leave period, the following provisions shall be applicable:

- (1) The employee shall contact the employee's administrative superior and obtain approval, and the administrative superior shall, in writing, submit justification for such approval to the President.
- (2) Upon returning to work, the employee shall complete another form reflecting the actual days of leave taken. This request shall be marked "Amended." The amended request

shall be approved by the President or the administrative assistant, if the authority to approve has been delegated, and forwarded to the Accountant.

- (3) The Accountant shall adjust the employee's leave records to reflect the change in the number of leave days taken due to an extension or early return.

Sec. 3.8. Maintenance of leave records. The Accountant shall maintain a leave record for each permanent employee of the Senate. State DPS Form 7 (revised 6/1/74), "Attendance and Leave Record," shall be used for this purpose. The formal leave records such as those kept for permanent employees need not be maintained for temporary employees. The Accountant, however, shall maintain such records as are necessary to ensure that the sick leave taken by a temporary employee do not exceed the five days allowable per calendar year.

Chapter 4. Employee Welfare

Sec. 4.1. Scope of chapter. This chapter describes the benefits available to permanent employees of the Senate.

Sec. 4.2. Employee benefit programs. In accordance with the provisions of section 22-4, HRS, a permanent employee of the Senate is entitled to participate in the employee benefit programs afforded all regular government employees of the State. These programs and the applicable statutory provisions are as follows:

- (1) Retirement system (mandatory participation) - chapter 88, HRS.
- (2) Public Employees' Health Fund - chapter 87A, HRS.
- (3) Credit union.
- (4) U.S. savings bonds payroll deduction plan.
- (5) Deferred compensation plan - chapter 88D, HRS.

Information on these programs shall be on file with the Accountant. The Accountant is responsible for the preparation and processing of the appropriate State documents in enrolling all eligible employees in these benefit programs.

Chapter 5. Termination

Sec. 5.1. Scope of chapter. This chapter establishes the process of employment termination with the Senate.

Sec. 5.2. Involuntary termination. An appointing authority may terminate the employment of an employee who is insubordinate or is derelict in the performance of the employee's duties or whose work has not met the standards of the appointing authority. A permanent employee shall be given at least two weeks advance notice or, at the discretion of the employee's appointing authority, entitled to two weeks severance pay at the rate of the terminated employee's compensation in lieu of the two weeks notice; provided that, for a permanent employee who has not completed the probation period established under section 1.2 of chapter 1 of this title, the probationary employee's appointing authority shall not be

required to provide two weeks advance notice or two weeks severance pay. Session and temporary employees may be terminated at will and the amount of advance notice given to a session or temporary employee shall be at the discretion of the employee's appointing authority.

Sec. 5.3. Voluntary termination. A permanent employee who voluntarily terminates the employee's employment shall give a minimum of two weeks notice to the employee's appointing authority. A temporary employee terminating prior to the end of the employee's scheduled termination date is expected to provide sufficient advance notice so as to enable the employee's appointing authority to find a suitable replacement.

Sec. 5.4. Reporting of staff termination. Whenever an employee termination occurs, the appropriate appointing authority shall notify the Accountant. The Accountant shall remove the terminated employee from the Senate payroll and make the necessary pay adjustments.

Sec. 5.5. Disposition of employee benefits-permanent employees. A permanent employee shall contact the Accountant prior to the effective date of the employee's termination to settle the final disposition of matters such as vacation pay or transfer, continuation of membership in the retirement system and health fund, etc. The Accountant shall be responsible for preparing and processing the appropriate personnel forms required to settle the personnel affairs of the terminating employee.

Sec. 5.6. Reemployment of terminated employees. A voluntarily terminated employee who accrued vacation allowance while employed by the Senate shall not be entitled to reemployment by the Senate for the period of the terminated employee's accrued vacation, notwithstanding that the terminated employee was paid the compensation in lieu of the employee's vacation allowance.

Chapter 6. Code of Conduct

Sec. 6.1. Scope of chapter. This chapter establishes policy regarding the use of information obtained by employees in the performance of their duty.

Sec. 6.2. Confidential and privileged information. No employee shall attempt to take personal advantage of the employee's position or divulge to others information which might be considered confidential or privileged in nature. When any doubt exists, an employee is encouraged to discuss the matter with the employee's administrative superior before any problems arise.

Chapter 7. Interns

Sec. 7.1. Appointment and use of interns. No Senator shall appoint, employ, or utilize the services of a private sector intern in the course of performing the Senator's legislative duties. A senator may utilize the services of an intern who is appointed by nature of the intern's participation in an internship program established by a private or public secondary or post-secondary educational institution. For the purposes of this section, "private sector intern" means a person who is employed by a private sector business or entity who is assigned or directed by the private sector business entity to report to a Senator and be physically situated within a Senator's office or staff room while the Legislature is in session.

TITLE 8.

PROPERTY CONTROL

This title covers the policies and procedures establishing controls over supplies, equipment and furnishings, and computer software licenses and documentation owned by or leased to the Senate. The controls are intended to safeguard Senate property and supplies from theft or unauthorized use.

Chapter 1. Equipment and Furnishings

Sec. 1.1. Scope of chapter. This chapter specifies the procedures to be followed in the maintenance of inventory records, the disposal and transfer of Senate equipment and furnishings, and the accounting for all items under the custody of the Senate. Senate equipment includes calculators, typewriters, reproducing machines, printing devices, accounting machines, computer hardware, etc. Furnishings include desks, file cabinets, chairs, etc.

Sec. 1.2. Inventory records and reports. The Clerk shall be responsible for maintaining a complete and accurate inventory listing of equipment and furnishings under the custody of the Senate. The computer services provided by the State department of accounting and general services (DAGS) shall be used to update the inventory records. Changes to the inventory resulting from acquisitions, disposals, and transfers during a year are to be reported quarterly to DAGS. Form AGS 24A (Quarterly Schedule of Change) shall be used to report the changes for the first three quarters of each State fiscal year. Changes for the fourth quarter are to be included as part of an annual inventory report, Form AGS 17 (Detail Inventory of Property) to be filed with DAGS. The annual inventory report shall be filed with DAGS and the President no later than September 15. Instructions for completing the inventory forms are contained in the State comptroller's circulars and addenda, Circular No. IM-1-70 (Quarterly Report of Inventory Change) and Circular No. IM-4-70 (Annual Inventory).

Sec. 1.3. Identification tag. An identification tag shall be affixed to each item of equipment and furnishing of the Senate. The identification tag shall have a number and appropriate marking to show that the item is Senate property. The Clerk shall maintain a numerical record of the identification numbers used and other pertinent information of the item for the Clerk's inventory records.

Sec. 1.4. Disposals and transfers. No equipment or furnishing shall be disposed of or transferred unless the disposal or transfer has first been approved by the Clerk. The term "disposal" means sale, trade-in, destruction, or junking of a Senate equipment or furnishing. The term "transfer" means transfer of an equipment or furnishing from the Senate to a State agency or the House or a transfer from a State agency or the House to the Senate. Transfer also means the removal of an item of equipment or furnishing from one office location to another within the Senate. A recommendation for the disposal or transfer of any item shall be accompanied by a full explanation of the reasons and circumstances underlying the recommendation. An inventory item may be removed from one office location to another within the Senate without the prior approval of the Clerk when the item removed is expected to be returned within a short period of time. A notation of the temporary transfer shall be kept on file in the office from which the item was removed.

Sec. 1.5. Care and safeguard. Legislators, committee chairpersons, and administrative superiors are responsible for the proper care and safeguard of all Senate equipment and furnishings located in offices under their control. These individuals are expected to exercise the necessary precautions to prevent or minimize the occurrence of theft, burglary, loss, destruction, or unauthorized

use of Senate property. The Clerk shall provide legislators, committee chairpersons, and administrative superiors with a list of all equipment and furnishings under their control and they shall sign such list as acknowledgement of custody. Should any item be discovered to be missing, the Clerk is to be notified immediately. A report on the missing item shall be made to the President and the Clerk. The report shall include, at a minimum, the description of and the office where the item was located and an explanation of the circumstances surrounding the loss of the item.

Sec. 1.6. Equipment maintenance and repair. The Clerk has the general responsibility of ensuring that all equipment and furnishings are in proper working condition. Items requiring repair or service shall be brought to the attention of the Clerk as soon as possible.

Sec. 1.7. Physical count. The Clerk shall take, at least annually, a physical count of all equipment and furnishings of the Senate. The "Inventory Taking Procedures" attached to the State comptroller's Circular No. IM-4-70 (Annual Inventory) shall be used as a guide in conducting the physical count. In addition to the annual physical count, the Clerk shall from time to time take a physical count of equipment and furnishings in specific offices. Any discrepancies shall be reported to the President.

Sec. 1.8. Leased equipment and furnishings. The Clerk shall maintain a record of equipment and furnishings leased to the Senate. A separate record shall be maintained for each lessor. A receipt shall be secured from the lessor upon return of the leased equipment and furnishings.

Sec. 1.9. Delegation by Clerk. The Clerk may, subject to the approval of the President, delegate any of the Clerk's functions contained in this Title to the Sergeant-at-Arms, the Supply Clerk, or any other Senate employee.

Sec. 1.10. Use of privately owned licensed computer software and hardware. Privately owned licensed computer software and hardware that is used for official legislative business and that does not adversely affect the Senate's computer system shall be allowed subject to written procedures issued by the President and Vice President.

Chapter 2. Office Supplies and Copying Machines

Sec. 2.1. Scope of chapter. This chapter establishes the controls relating to office supplies, postage, and the use of copying machines. It also contains special provisions on the control of office supplies stored in and distributed through the supply room and the use of the postage machine.

Sec. 2.2. General. Office supplies and the use of copying machines are items which cannot be subjected to exact controls. This is because usage requirements may vary from legislator to legislator and from committee to committee. The use of supplies and copying machines shall be limited to purposes pursuant to the business of the Senate, a Senate committee, or the business of a legislator reasonably related to the legislator's exercise of the legislative functions. Office supplies and copying machines shall not be used by a legislator for:

- (1) Matters and activities related to election campaigns;
- (2) General correspondence;
- (3) Distribution of materials to the public for survey purposes;

- (4) Materials advocating a particular position or an issue before the legislature; and
- (5) Personal use.

The use of copying machines in the second floor copying room and the Sergeant-at-Arms office by Senators and their staff shall be limited to 150,000 copies per office, per year. Use of copying machines shall relate directly to legislative business. Copying of newsletters is permitted and may be performed by the Senate Printshop. Copies of newsletters, by page, will be counted against a members' copy allocation. Any copies made in excess of these limits shall be charged against the Senator's annual allowance under Title 1, section 1.3. The President and Vice President may jointly waive the assessment of any copying overages against a Senator's legislative allowance; provided that the Senator provides written justification for the overage and the President and Vice President approve. The Clerk's office shall report monthly totals on a monthly basis to the President and Vice President.

Sec. 2.3. Supply room. The Supply Clerk shall be responsible for the care and safeguarding of office supplies stored in the supply room; ensuring that an adequate supply of items is on hand at all times; especially during legislative sessions; investigating slow-moving items and determining the reasons for such; and making recommendations for the disposal of obsolete supplies to the Clerk. Office supplies, which include items such as stationery, pens, pencils, staplers, paper clips, and rubber bands, shall be issued from the supply room only upon presentation of a properly completed "Requisition for Supplies" (exhibit 8.A). The requisition form must be signed by the employee receiving the supplies. The completed requisition form shall be filed in a separate folder for each legislator or office. The President or Vice President may request periodic reports on supply room issues.

Chapter 3. Printshop

Sec. 3.1. Scope of chapter. This chapter contains the policies and procedures relating to the control of printshop supplies and printing and distribution of bills from the printshop.

Sec. 3.2. Printshop supplies. The Clerk, shall be responsible for the care and safeguarding of printshop supplies. Printshop supplies include items such as paper, ink, and solutions. During legislative sessions, detailed records on printshop supplies delivered in installments shall be maintained by the Printshop Manager under the supervision of the Clerk. The Printshop Manager shall periodically verify the balances shown on these records.

Sec. 3.3. Printing and distribution of bills. Printing and distribution of copies of bills shall be limited to a number set by the President. Each legislator desiring extra copies shall complete and submit the form, "Request for Printing and Distribution of Additional Copies of Bills" (exhibit 8.B). Each legislator requesting extra copies shall be responsible for the distribution and mailing of such copies.

Sec. 3.4. Bulk printing. Bulk printing for any official legislative business other than legislation shall be in accordance with the Senate bulk printing guidelines and procedures as provided on the back of the Senate Clerk's Office Printing Request Form (see exhibit 8.C).

Sec. 3.5. Record of all matters printed. The Printshop Manager shall maintain a record of all matters printed.

Chapter 4. Telephones

Sec. 4.1. Scope of chapter. This chapter contains the policies and procedures concerning inter-island and out-of-state telephone calls.

Sec. 4.2. Inter-island calls. To the extent practicable, all inter-island calls shall be placed through the State's toll free lines. Discretion should be exercised by legislators and employees to keep the number of calls to a minimum.

Sec. 4.3. Out-of-state calls. Out-of-state calls at the expense of the Senate shall be allowed only when such calls are made or received pursuant to the conduct of official legislative business and when such business cannot be effectively or economically conducted through other means of communication. Personal long distance calls shall be logged electronically using the telephone log instructions (Exhibit 8.D). An accounting of personal calls will be sent to the appropriate individual for payment to the Senate. The Senate shall be reimbursed for calls deemed unallowable by the President.

Chapter 5. Use of Computer Equipment

Sec. 5.1. Scope of chapter. This chapter establishes policies and practices relating to the use and protection of licensed computer software, documentation, and equipment.

Sec. 5.2. Policy. The Hawaii State Senate, charged with the Constitutional duty of making state laws, must serve as a model of compliance with state and federal laws. Senate employees are therefore admonished to exercise caution and refrain from using unauthorized software and other unauthorized resources.

Personal computer software purchased by the Hawaii State Senate has licensing or copyright restrictions which prohibit duplication. Courts have found organizations and their executives liable for copyright infringement when the organization supervised the activities of employees and unauthorized copies of software were used to the organization's benefit, even when the copying was done without the knowledge of management. The Hawaii State Senate will therefore adhere to all licensing and copyright laws relating to the purchase and/or use of computer software and related documentation. Software or software documentation protected by copyright may be copied only with the written permission of the copyright holder. Any unauthorized reproduction of copyrighted material may subject the responsible employee to disciplinary action.

To protect the integrity of the legislative computer network Senate members and employees are also prohibited from installing software not purchased by the Senate onto legislative computers and equipment not owned or leased by the Senate, including personal and laptop computers and personal digital assistants (PDAs), on the legislative network without the express written permission of the Senate Clerk.

Senate members and employees shall not use State property for purposes other than the conduct of officially sanctioned legislative business. Under no circumstances are Senate members and employees permitted to use Senate property for personal gain.

All members and staff shall comply with the Senate Computer and Technology Use Policy (exhibit 8.E) and Senate Technology Use Guidelines (exhibit 8.F), and sign the Acknowledgment

(exhibit 8.G). Members and staff who are issued laptop computers shall sign and comply with the Senate Laptop Computer Use Agreement (exhibit 8.H).

Chapter 6. Postage

Sec. 6.1. Scope of chapter. This postage and mailing policy is to establish a standard to guide the use of public funds for postage and mailing purposes. This policy seeks to maintain general flexibility for members of the Senate to accomplish their official functions and duties while providing accountability for this use of public funds by Senate members.

Sec. 6.2. Public funds for postage and mailing. Public funds for postage and mailing shall be used solely for the mailing of official material such as public notices and official correspondence. The use of public funds for the mailing of personal material not reasonably related to the legislator's official legislative work is prohibited.

Sec. 6.3. Accounting. The Senate Sergeant-at-Arms Office shall maintain records and accounts for each Senate member listing the amounts of public funds spent by the members for postage, subject to the following maximums, provided that such maximums may be waived by the President:

- (1) \$3,500 per year for the President, the Vice President, and the chairs of the Committees on Ways and Means, Judiciary, and Commerce, Consumer Protection and Affordable Housing;
- (2) \$2,500 per year for the Majority Leadership, the Minority Leader, and the chairs of all other standing committees; and
- (3) \$1,500 per year for all other Senate Members.

For mailing over fifty pieces, a copy shall be left with the Sergeant-at-Arms Office.

Sec. 6.4. Approval of President. Approval of the President shall be required whenever a member seeks to use public funds in excess of the ceiling established in section 3.3. Approval shall be given only where the legislative business nature of the matter is well justified.

Sec. 6.5. Postage machine. The Sergeant-at-Arms shall be responsible for control of the postage machine. Only employees designated by the Sergeant-at-Arms shall have access to and operate the postage machine. The key for the postage machine shall be removed whenever the machine is not in use. A daily log of postage meter usage shall be maintained by the Sergeant-at-Arms. The President may request periodic reports on the use of postage.

TITLE 9.

UTILIZATION OF PHYSICAL FACILITIES

This title establishes the policies and procedures governing the utilization of certain physical facilities at the State Capitol or such locations as may be assigned for Senate use.

Chapter 1. Parking

Sec. 1.1. General. Assignment of available parking stalls shall be restricted to legislators and legislative employees. The Clerk shall be responsible for assigning specific parking stalls to all legislators and eligible employees and shall maintain a record of all parking assignments.

Sec. 1.2. Legislators. Each legislator shall be entitled to a reserved parking stall. The parking stall shall be reserved for the legislator's exclusive use during the legislator's term of office.

Sec. 1.3. Employees. Permanent employees requesting a parking stall shall be assigned a reserved parking stall as available. Temporary employees shall be assigned available parking stalls on the basis of parking allotments made to legislators, committee chairs, and other Senate offices by the Clerk. Each legislator, committee chair, or administrative superior shall submit to the Clerk the names of the temporary employees who are to be assigned parking. The Clerk is responsible for ensuring that each legislator, committee chair, or administrative superior does not exceed his or her allotment of parking spaces.

Employees who are assigned parking shall not transfer this privilege to others. Parking fees are to be borne by the employee. Assignment of specific parking stalls shall be made by the President.

Chapter 2. Legislator's Office and Telephone

Sec. 2.1. Legislator's office. Legislators' offices shall be available for their use at any time during their term of office. Legislators are expected to limit their use of their offices to the conduct of legislative business.

Sec. 2.2. Telephone. Telephone service shall be available at all times in each legislator's office.

Chapter 3. Copying Machines for Public Use

Sec. 3.1. Public use. The Senate may make available the use of copying machines to individuals testifying at Senate committee hearings. The use of copying machines shall be limited to persons who would face an unreasonable financial burden should they assume the cost of duplicating the required number of copies of testimonies requested by the Senate committees. Regulations covering public usage of copying machines may be established by the Senate President.

Chapter 4. Conference Rooms

Sec. 4.1. Assignment of conference rooms. Conference rooms shall be assigned by the President or the President's assigned designee.

TITLE 10.

HARASSMENT POLICY

This title establishes the policies and procedures governing the prohibition of harassment in the workplace.

Chapter 1. Harassment Policy

Sec. 1.1. Policy. It shall be the policy of the Hawaii State Senate to:

- (1) Ensure that all members and employees serve in a workplace devoid of harassment and are treated with dignity and respect;
- (2) Establish a procedure that will handle all complaints of harassment in a confidential, proper, thorough, and respectful manner; and
- (3) Provide for disciplinary action for any violations of the Senate's harassment policy.

Sec. 1.2. Duties and Responsibilities. It shall be the duty of every member and employee of the Senate to:

- (1) Treat one another with dignity and respect;
- (2) Ensure that harassment does not occur in the Senate;
- (3) Avoid any activities in the workplace which could be construed as harassment;
- (4) Affirmatively discourage harassment through communication, education, and training;
- (5) Report incidents of harassment promptly, treat each reported incident in a dignified and respectful manner, and take corrective or disciplinary action, or both, when appropriate; and
- (6) Prevent reprisals or retaliation against any member or employee who reports any incident of harassment.

Sec. 1.3. Definitions.

- (1) Harassment Defined. Harassment is defined as conduct which:
 - (a) Is unwelcome by the person to whom it is directed;
 - (b) Unreasonable interferes with the performance of elected or job duties of the person; or
 - (c) Creates a a hostile, intimidating, or offensive work environment.

Harassment on the basis of race, gender, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest or court record is a form of misconduct which undermines the work environment. Such harassment is a violation of Title VII of the federal Civil Rights Act or Chapter 378, Hawaii Revised Statutes, or both.

- (2) Sexual Harassment Defined. Sexual harassment, in particular, has become the focus of much discussion and is a violation of federal and state law. Title VII of the federal Civil Rights Act and Chapter 378, Hawaii Revised Statutes, specifically prohibit employment discrimination based on sex. Sexual harassment is a form of sex discrimination. Sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

The following behaviors consist of sexual harassment:

- A. Submission to the conduct is made either implicitly or explicitly a term or condition of employment.
- B. Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual.

A and B are examples of quid pro quo forms of sexual harassment. Quid pro quo is a situation where the employee is asked for sexual favors in return for something given the member or employee.

- C. The conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

C is an example of a hostile work environment.

- (3) Harassment can occur between Senate members and staff members, as well as between supervisors and subordinates of the Senate, or vendors or lobbyists.

Harassment takes many forms. It includes, but is not limited to, the following types of behaviors: (A) offensive nonverbal behavior such as leering, making obscene gestures or suggestive or insulting sounds with or without implied or expressed employment related consequences; (2) verbal threats, insults, repeated suggestive or derogative comments, or sexist, racist, or other remarks about a person or the person's body, clothing, sexual, or other activities; or (3) physical behavior including patting, pinching, or unnecessary touching.

Sec. 1.4. Resolution process for harassment complaints. An employee who feels victimized by any form of harassment may complain directly to the offender (verbally or in writing) about the action of harassment. If an employee does not wish to complain directly to the offender, or if the harassment continues even after a direct complaint, the employee may:

- (1) Complain to the employee's immediate supervisor;

- (2) Complain to a higher level supervisor, if the immediate supervisor is the offending person or to the President of the Senate or the Affirmative Action Officer designated by the President; or
- (3) Take action through the Hawaii Civil Rights Commission or go to court.

All harassment complaints shall be investigated promptly and in a confidential manner.

If a legislator or supervisor has reason to believe or has been provided information that an incident of harassment or potential harassment has occurred, the legislator or supervisor shall immediately report any incident of harassment or potential harassment to the President or the Affirmative Action Officer. It is not for a legislator or supervisor to determine the validity or veracity of the incident or potential incident of harassment prior to reporting of said incident. Upon notification of a harassment complaint, either directly or indirectly, the President of the Senate or the Affirmative Action Officer shall immediately begin the investigation. If a complaint is found to be valid, the President or the Affirmative Action Officer shall take the appropriate corrective action to discipline the offender, and to prevent recurrence of the harassment. Corrective action may range from informal counseling to termination of employment. Senate members shall be subject to the procedures and punishments outlined in the Rules of the Senate, Part IX, Rule 72.

Sec. 1.5. Other remedies not precluded. No disciplinary action taken by the Senate shall preclude the aggrieved employee or member from seeking other remedies.

TITLE 11.

ETHICS CODE

This title establishes a code of conduct for all Senators that complements the standard of conduct for all State officers and employees.

Chapter 1. Ethics Code

Sec. 1.1. Findings and declarations; purpose of code. It is essential to the proper operation of democratic government that members of the Senate be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of a member and the member's duties as such.

It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, ethical safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it.

The Senate Ethics Code shall be liberally construed to effectuate its intent and purpose.

Sec. 1.2. Gifts. No Senator shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the Senator in the performance of the Senator's official duties or is intended as a reward for any official action on the Senator's part.

Every Senator shall file a gifts disclosure statement with the state ethics commission on June 30 of each year if all the following conditions are met:

- (1) The Senator or spouse or dependent child of the Senator, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
- (2) The source of the gift or gifts has interests that may be affected by official action or lack of action by the Senator; and
- (3) The gift is not exempted from reporting requirements.

The statement shall cover the period from June 1 of the preceding calendar year through June 1 of the year of the report.

The gifts disclosure statement shall contain the following information:

- (1) A description of the gift;
- (2) A good-faith estimate of the value of the gift;

- (3) The date the gift was received; and
- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

Excluded from the reporting requirements of this section are the following:

- (1) Gifts received by will or intestate succession;
- (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
- (3) Gifts from a spouse, fiancé, fiancée, any relative within four degrees of consanguinity, or the spouse, fiancé, or fiancée of such relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;
- (4) Political campaign contributions that comply with state law;
- (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
- (6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
- (7) Exchanges of approximately equal value on holidays, birthdays or special occasions.

Failure of a Senator to file a gifts disclosure statement as required by this section shall be a violation of this code.

Sec. 1.3. Gifts received on behalf of the Senate. Any nonperishable gift received by the President of the Senate or the President's designee on behalf of the Senate that is not subject to sections 84-11 and 84-11.5, Hawaii Revised Statutes, shall be immediately reported to the Clerk who shall promptly record the gift as property of the Senate. The gift may be kept by the Senate for an appropriate period of time and, upon the expiration of the time period, either be permanently placed on the inventory of the Senate or subsequently remitted to the State Archives or State Foundation on Culture and the Arts, as appropriate. For the purposes of this section "appropriate period of time" means a period of time that is either:

- (1) Appropriate and necessary to display a gift in a manner that is deemed by the receiving Senator to be respectful to the giver; or
- (2) The end of the receiving Senator's term of office as a Senator,

whichever is shorter.

Sec. 1.4. Nepotism. A Senator or employing staff member may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the Senate any individual who is a close relative of the Senator or employing staff member.

"Close relative" means:

- (1) A father, mother, son, daughter, brother, sister, husband, wife, father-in-law, mother-in-law, son-in-law, or daughter-in-law, who is a dependent of the Senator or employing staff member;
- (2) A reciprocal beneficiary, as that term is defined in section 572C-3, Hawaii Revised Statutes, of the Senator or employing staff member; or
- (3) A household member with whom a Senator or employing staff member has a special relationship that, at a minimum, includes an interdependent financial relationship.

"Employing staff member" means an employee of the Senate who has the authority to hire personnel and who is not a member of a Senator's personal staff.

"Special relationship" means a relationship that exists between a Senator or employing staff member and a Senator's or employing staff member's household member that, based on the nature of the relationship, would or could have the appearance of coloring the judgment of the Senator or employing staff member when hiring the household member as opposed to another applicant whose qualifications for a particular job description, when taken in the total context of employment, would be considered more qualified for the position.

The President may authorize the employment, when requested in writing, in the event of emergencies or special circumstances, of individuals whose employment would otherwise be prohibited by this section.

No relative, other than a close relative, shall be denied employment, promotion or advancement by reason of the individual's status as a relative.

All individuals employed or seeking employment in the Senate shall disclose in writing, to the Clerk, whether the individual is a relative of any Senator or employing staff member, and a description of the relationship to the Senator or employing staff member.

Whenever a Senator's or employing staff member's relative is hired by the Senate or any member of the Senate, the Clerk shall inform the Senator or employing staff member whose relative is hired and the Senator or employing staff member whose relative is hired shall give a written statement to the President, setting forth the name of the employee and the name of the Senator or employing staff member and description of the relationship.

This section shall apply to employees hired on and after January 17, 2007.

Sec. 1.5. Staff hiring. Senate employees are public servants, paid with State general funds. They are not paid to perform non-official, personal, or campaign duties on behalf of the Senator or anyone else.

A Senator, officer, or employee of the Senate shall not:

- (1) Discriminate on the basis of race, gender, sexual orientation, age, religion, color, national origin, ancestry, disability, marital status, or arrest and court record in hiring, pay, or working conditions;
- (2) Help or promise to help someone to gain a State job or benefit in return for a political contribution or anything else of value, or to coerce political activity; or prevent someone, or threaten to prevent someone, from gaining a State job or benefit to obtain a political contribution, anything else of value, or to coerce political activity.

Officers and employees of the Senate shall not be required:

- (1) To "kick back" a portion of their salaries to a Senator or any other person; or
- (2) To spend personal money to benefit a Senator or the operation of a Senator's office.

Sec. 1.6. Conflict of interest. No Senator shall be prohibited or disqualified from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of the Senator's legislative functions.

If a bill, resolution or any other matter for official action before the Senate or any of its committees has or may have a direct and favorable effect on any business or undertaking in which a Senator has a financial interest, the Senator shall make a full and complete disclosure of the nature and extent of the financial interest which the Senator believes may be affected by the Senator's action. Disclosure shall be made in writing to the President no later than twenty-four hours before action is to be taken.

If the Senator makes a disclosure of the Senator's financial interest, the Senator shall not be disqualified from taking official action on the bill, resolution or other matter. If the President determines, or if the voluntary disclosure of the Senator shows conclusively, that the Senator has a substantial financial interest in the matter, the Senator may be disqualified from taking any official action on the bill, resolution or other matter by the President.

The term "financial interest" shall mean an ownership interest in a business, a creditor interest in an insolvent business, an employment, or prospective employment for which negotiations have begun, an ownership interest in real or personal property, a loan or other debtor interest or a directorship or officership in a business.

If any provision of this section conflicts with the Rules of the Senate, the Rules of the Senate shall prevail.

Sec. 1.7. Violations of law. If an indictment, complaint, or oral charge is brought by law enforcement authorities against a Senator for a felony or a misdemeanor, it shall be presumed that a notice of the charge has been given to the President of the Senate and the member being charged under Rule 72 of the Senate Rules.

TITLE 12.

ACCESSIBILITY FOR PERSONS WITH DISABILITIES (ADA)

This title establishes the policies and procedures governing the minimum requirements for compliance with the Americans with Disabilities Act.

Chapter 1. ADA Compliance Coordinator

Sec. 1.1. Scope of chapter. This chapter provides for the designation of the person who is responsible for coordinating compliance with the American with Disabilities Act P. L. 102-336.

Sec. 1.2. Designation of ADA Compliance Coordinator. The President shall designate a permanent employee of the Senate as the ADA Compliance Coordinator to coordinate the Senate's ADA compliance requirements, and shall post at appropriate locations, public notices of the name, office address, and telephone number of the employee.

Sec. 1.3. Duties and responsibilities. The ADA Compliance Coordinator shall coordinate the Senate's ADA compliance requirements, and shall inform all members and employees of all ADA requirements which are applicable to program access to Senate meetings and sessions.

The ADA Compliance Coordinator shall receive and investigate grievances regarding programs, services, practices and employment claims that are based on the ADA.

Chapter 2. Notice of ADA Requirements

Sec. 2.1. Posting of the notice. A notice shall be posted at appropriate locations regarding the rights and protections afforded by the ADA, including information about how the ADA requirements apply to the Senate.

Sec. 2.2. Notice requirements. The notice shall contain the following minimum information:

"THE SENATE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY IN EMPLOYMENT, IN ADMISSION TO, ACCESS TO, OR OPERATIONS OF ITS PROGRAMS, SERVICES, OR ACTIVITIES.

"THIS NOTICE IS PROVIDED AS REQUIRED BY TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990.

"QUESTIONS, CONCERNS, COMPLAINTS, OR REQUESTS FOR ADDITIONAL INFORMATION REGARDING THE ADA MAY BE FORWARDED TO THE SENATE COMPLIANCE COORDINATOR AS FOLLOWS:

NAME: _____
OFFICE ADDRESS: _____
PHONE NUMBER: (VOICE) _____ (TDD) _____
DAYS/HOURS AVAILABLE: _____

"INDIVIDUALS WHO NEED AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION IN PROGRAMS AND SERVICES OF THE SENATE ARE INVITED TO MAKE THEIR NEEDS AND PREFERENCES KNOWN TO THE ADA COMPLIANCE COORDINATOR, OR TO THE COMMITTEE CLERKS OF COMMITTEES WITH HEARING NOTICES.

"THIS NOTICE IS AVAILABLE IN LARGE PRINT, ON AUDIO TAPE, AND IN BRAILLE, FROM THE ADA COMPLIANCE COORDINATOR."

Chapter 3. Policy on Effective Communication

Sec. 3.1. Scope of chapter. This Chapter provides guidelines and policies on effective communication to insure full participation in committee meetings and sessions for persons with disabilities. This Chapter does not deal with program and facility access which are under the purview of the State Department of Accounting and General Services and employment discrimination, which is within the purview of the State Civil Rights Commission.

Sec. 3.2. Aids and services. For all public meetings and sessions of the Senate, appropriate auxiliary aids and services shall be furnished when necessary to afford individuals with disabilities an equal opportunity to participate in public committee meetings and sessions.

Chapter 4. Grievance Procedure

Sec. 4.1. Scope of chapter. This chapter provides a grievance procedure to meet the requirements of the ADA.

Sec. 4.2. Grievance procedure. The grievance procedure is as follows:

Any one who has a complaint against the Senate based on discrimination in employment, policies, services, activities, programs, or benefits of the Senate is free to file it with the ADA Compliance Coordinator.

The form of the complaint may be in writing, on tape, by telephone or in any form which can be put into written form by the ADA Compliance Coordinator. The complaint must contain information on the alleged discrimination, the name and address of the person making the complaint, and the location, date and description of the act of discrimination.

The Complaint must be received by the ADA Compliance Coordinator no later than 60 days of the alleged discrimination.

The ADA Compliance Coordinator shall meet with the Complainant within 15 days and make written findings and recommendations resolving the complaint within 15 days after the last meeting with the Complainant.

If the matter is not satisfactorily resolved by the ADA Compliance Coordinator, the Complainant may, within 15 days of the date of the findings and recommendations appeal to the President. The President or the President's designee shall resolve the matter within 30 days of the date of the appeal to the President.

Unless the matter is satisfactorily resolved, as shall be acknowledged in written or other appropriate form by the Complainant, all rights of the Complainant under the ADA are reserved.

