

# **Maryland General Assembly Personnel Guidelines**

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**Issued January 1, 2017**



## MESSAGE FROM THE PRESIDING OFFICERS

We welcome you to the Maryland General Assembly.

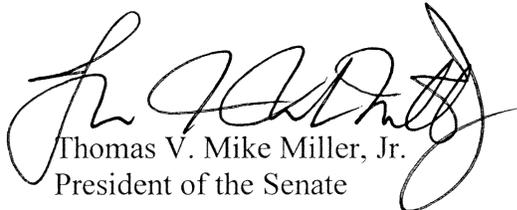
As a legislative employee you are a public servant, and the general purpose of your work here is to assist and support State legislators in their representation of the State of Maryland.

These Guidelines are provided to acquaint you with our personnel policies. Please take the time to familiarize yourself with this information, and feel free to contact the Human Resources Office if you have any questions.

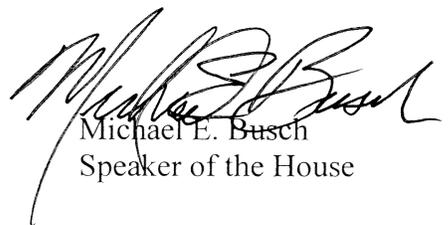
***Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Maryland General Assembly and its employees. This handbook is a summary compiled for the convenience of legislators and employees. It may not cover all topics and may not apply in every circumstance. We reserve the right to respond to specific situations in the manner that best serves the Maryland General Assembly.***

We hope you find your time here to be rewarding.

Sincerely,



Thomas V. Mike Miller, Jr.  
President of the Senate



Michael E. Busch  
Speaker of the House

The Maryland General Assembly is a branch of State Government separate from the Executive Branch and the Judicial Branch. These Guidelines apply to the employees of the Maryland General Assembly and are issued by the President and Speaker with the approval of the Legislative Policy Committee. These Guidelines are not governed by the personnel policies adopted by the State Office of Personnel Services and Benefits which apply to employees within the Executive Branch or by the Department of Legislative Services (DLS) policies for the employees of DLS.

These Personnel Guidelines rescind all previous guidelines relating to legislative employees. They apply to all legislative employees as defined in these Guidelines.

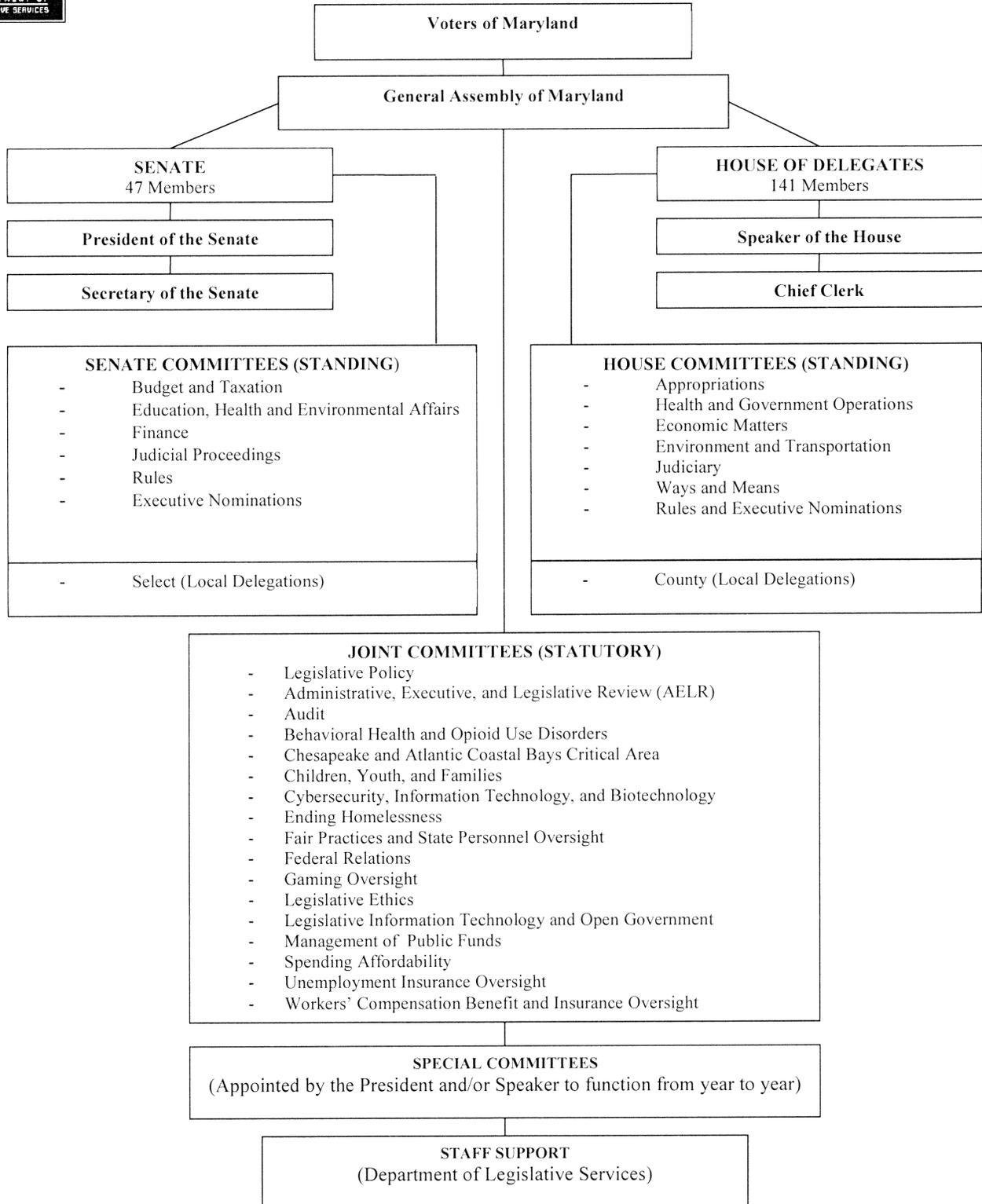
The President of the Senate and the Speaker of the House of Delegates administer these Guidelines, but may delegate to another person the performance of any function to be performed by them under these Guidelines.





# Maryland General Assembly

## Legislative Branch of Maryland





# Contents

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<b>Message from the Presiding Officers .....</b>	<b>i</b>
<b>Legislative Branch Organizational Chart .....</b>	<b>iii</b>
<b>I. Introduction .....</b>	<b>1</b>
<b>II. Definitions .....</b>	<b>3</b>
<b>III. Employment Policies.....</b>	<b>7</b>
A. Employment “At-will” .....	7
B. Employment of Relatives.....	7
C. Authorization to Hire .....	7
D. Position Responsibilities.....	8
Receptionist/Legislative Clerk.....	8
Legislative Secretary.....	9
Committee Assistant.....	9
Administrative Aide.....	10
<b>IV. Salary Policies .....</b>	<b>11</b>
A. Benefited Employees .....	11
B. Funding .....	11
C. Time Records.....	12
D. No Bonus Payments.....	13
E. Pay Schedule.....	13
F. Direct Deposit of Pay .....	13
G. Payroll Online Service Center (POSC).....	13
H. Payroll Deductions.....	14
I. Lost Paychecks.....	14
J. Travel Reimbursement.....	14
<b>V. Benefits and Services .....</b>	<b>15</b>
A. Summary/General Overview .....	15
B. Consolidated Omnibus Budget Reconciliation Act (COBRA).....	16
C. Credit Union.....	16
D. Deferred Compensation – Traditional/Roth 401(k) and 457(b) Plans.....	16
E. Health Benefits.....	17
F. Parking .....	18
G. Pension System .....	18
H. Social Security .....	20
I. Unemployment Insurance .....	20
J. Workers’ Compensation .....	20

<b>VI.</b>	<b>Leave Policies .....</b>	<b>21</b>
A.	Leave With Pay.....	21
1.	Annual Leave .....	21
2.	Personal Leave .....	21
3.	Holidays .....	22
4.	Compensatory Leave .....	23
5.	Sick Leave.....	23
6.	Bereavement Leave (Sick Leave Charge).....	24
7.	Jury Duty.....	24
8.	Military Leave.....	24
9.	Accident Leave .....	24
10.	Religious Observance .....	25
11.	Liberal Leave .....	25
B.	Approved Leave of Absence Without Pay.....	25
<b>VII.</b>	<b>On the Job/Standards of Conduct .....</b>	<b>27</b>
A.	Ethics Code .....	27
B.	Code of Conduct .....	27
C.	Confidentiality .....	27
D.	Conflict of Interest .....	28
E.	Abuse of Prestige of Office.....	28
F.	Dual Employment .....	28
G.	Professional Conduct .....	28
H.	Campaign Activities.....	29
I.	Seeking Public Office .....	29
J.	Dress and Personal Appearance.....	29
K.	Security and Emergency Procedures .....	30
1.	Security Proximity Cards .....	30
2.	Emergency Action Plan .....	30
3.	Security Procedures .....	31
4.	Emergency Release/Closing .....	32
L.	Smoking Policy.....	32
M.	Substance Abuse Policy .....	32
N.	General Use of General Assembly Facilities, Equipment, and Supplies .....	33
1.	Computers .....	33
2.	Telephones .....	33
3.	Metered Mail.....	34
4.	Facsimile Machines .....	34
5.	Photocopy Machines .....	34
6.	Workspace.....	34
7.	Office Supplies.....	34
8.	Stationery .....	35
O.	Pets .....	35
P.	Complaint Procedures.....	35
Q.	Resignation and Removal .....	35

R.	Termination with Prejudice.....	36
	Employee Timesheet (sample).....	37
	Leave Earning Table.....	38
<b>VIII.</b>	<b>Employment Fact Sheet for Benefited Employees.....</b>	<b>39</b>
<b>IX.</b>	<b>Policy Statements – Attachments .....</b>	<b>41</b>
	Ethics Law – General Information (Attachment A) .....	43
	Model Code of Conduct for Legislative Staff (Attachment B).....	49
	Substance Abuse Policy (Attachment C).....	57
	MGA Internet and Email Policy (Attachment D).....	59
	MGA Anti-Harassment Policy and Procedures (Attachment E) .....	61



# I. Introduction

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These Maryland General Assembly Personnel Guidelines have been prepared as an introduction to the personnel policies and procedures of the Maryland General Assembly and are to be used as a resource by the Maryland General Assembly staff when they have questions about the personnel practices and procedures of the General Assembly. These Guidelines have been adopted by the Legislative Policy Committee of the Maryland General Assembly and remain in effect until amended or repealed.

The information contained in these Guidelines applies only to legislative employees of the Maryland General Assembly. **These Guidelines are presented as a matter of information only and are not, nor are they intended to be, a contract between the General Assembly and any employee. This handbook is a summary compiled for the convenience of legislative employees. The President and Speaker have the final authority to implement, administer, and enforce these Guidelines, may review any personnel decision made by a member, and reserve the right to respond to specific situations in the manner that best serves the Maryland General Assembly.**

Please read these Guidelines carefully and keep them available for future reference. One of your responsibilities as an employee is to be familiar with the contents of these Guidelines.

If you have any questions about these Guidelines, contact the Human Resources Office in Room 311 of the Legislative Services Building.

Please note that these Guidelines are not all inclusive. From time to time, there will be changes to them. The Maryland General Assembly reserves the right to change any of its policies, including those covered here, at any time. These Guidelines supersede all previous Maryland General Assembly Personnel Guidelines.

It is the policy of the Maryland General Assembly that all personnel practices will be made and administered on the basis of merit without regard to age, ancestry, color, creed, marital status, national origin, race, religion, gender, gender identity, sexual orientation, or disability. Consideration will be given to providing reasonable accommodation of disabilities requested by persons who are able to perform the essential functions of the position.



## II. Definitions

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In these Guidelines, the following words have the meanings indicated:

- A. **Benefited Full-time Legislative Employee:** an employee who works for the Maryland General Assembly, is employed on a year-round basis with a normal workweek consisting of five (5) days of at least forty (40) work hours, receives benefits and is certified as a Benefited Full-time Legislative Employee by the Presiding Officer(s) pursuant to these Guidelines. Except as otherwise indicated, the term also includes legislative employees in positions to which they are directly appointed by the Presiding Officer(s). These employees are paid on the regular payroll of the State of Maryland.
- B. **Benefited Part-time Legislative Employees:** an employee of the Maryland General Assembly who is not certified as a Benefited Full-time Legislative Employee but who works at least 130 days per year with work hours totaling at least 1040, receives benefits, and is certified as a Benefited Part-time Legislative Employee by the Presiding Officer(s) pursuant to these Guidelines. These employees are paid on the regular payroll of the State of Maryland.
- C. **Certification:** approval given by the Presiding Officer(s) to hire a legislative employee and place that employee on the payroll of the Maryland General Assembly.
- D. **Contractual Employee:** a legislative employee who is not certified as either a Benefited Full-time or Benefited Part-time employee; who is hired for a short-term project or specific period of time; and whose salary is paid out of member account funds or Maryland General Assembly funds on the contractual payroll of the State of Maryland.
- E. **Department of Legislative Services (DLS):** the nonpartisan, professional staff agency to the General Assembly, which, for the most part, is housed in the Legislative Services Building. The Human Resources Office and the Finance and Administrative Services Office are part of this Department.
- F. **Desk Officers:** officers appointed to the Office of the Secretary of Senate by the President of the Senate and the Office of the Chief Clerk by the Speaker of the House to perform duties necessary to ensure that legislation meets constitutional requirements in the respective Houses.
- G. **Finance and Administrative Services (FAS):** a part of the Department of Legislative Services with offices located on the third floor of the Legislative Services Building, responsible for all financial services in the Department and the General Assembly, including accounts payable and receivable, budgeting, fiscal planning and reporting, procurement, facilities management, and telecommunications. The office is also responsible for mail pickup and delivery and distribution of legislative bills, hearing

schedules, and other legislative documents, as well as a subscription mailing service, a customer “bin” pickup service, and a centralized FAX service.

- H. Guidelines:** these Maryland General Assembly Personnel Guidelines.
- I. Human Resources Office (HR):** a part of the Department of Legislative Services with offices located on the third floor of the Legislative Services Building, responsible for personnel activities for the employees of the Department and for the Maryland General Assembly. Specific functions include recruitment, retirement, training and orientation, benefits coordination, records processing, payroll, and related activities required to maintain personnel services. This unit also coordinates the General Assembly’s Page and Intern Programs, which provide opportunities for students from Maryland high schools and colleges to participate in the work of the legislature.
- J. Legislative Employee:** a person who is employed by the Maryland General Assembly and whose position is funded in the annual General Assembly budget or by a legislator from his or her member account or by any combination of these funding sources. For purposes of these Guidelines, this term does not include students in the Page and Intern Programs, persons employed by the Department of Legislative Services (DLS), or employees working on a contractual basis for a member of the Maryland General Assembly.
- K. Legislator:** any Senator or Delegate who has been sworn in as a member of the Maryland General Assembly and is currently serving in office.
- L. Maryland General Assembly (MGA):** the Legislative Branch of State Government, which comprises the Senate and the House of Delegates.
- M. Member:** a Legislator currently serving in the Senate of Maryland or the House of Delegates.
- N. Member Account:** the funds allocated for each member of the Maryland General Assembly in the annual budget. A member may use these funds to maintain an office in that member’s district and for any other expenses that are authorized pursuant to the “Guidelines for Compensation and Expenses for Legislators.”
- O. Presiding Officer(s):** the President of the Senate and the Speaker of the House of Delegates.
- P. President:** the Presiding Officer of the Senate of Maryland.
- Q. Speaker:** the Presiding Officer of the House of Delegates of Maryland.

- R. Supervising Member(s):** any legislator(s), other than the Presiding Officer(s), who is responsible for recommending the appointment or dismissal of a legislative employee and who supervises the performance of duties by that legislative employee. A supervising member may delegate this authority to a staff person.
- S. Temporary Employee:** a legislative employee who is not certified as either a Benefited Full-time or Benefited Part-time employee; who is hired for a short-term project or specific period of time; and whose salary is paid out of member account funds or Maryland General Assembly funds on the contractual payroll of the State of Maryland.



### III. Employment Policies

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State legislatures are unique and have developed over time to reflect the needs, experience, and expectations of their constituents. Because of this culture, job descriptions for positions in the Maryland General Assembly are broad and varied. Members are permitted to hire staff to meet their needs, both in the district office and the Annapolis office. The range of skills and the volume of work vary with the individual member, reflective of the citizen legislature created by the Maryland Constitution.

#### A. Employment “At-will”

**All positions in the General Assembly are “at-will” positions. Neither employer nor employee has a contractual agreement with each other. Employment may be terminated at any time without cause and without prior notice. The needs of the Maryland General Assembly typically fluctuate, both seasonally and as a consequence of election results. Continued employment of any Maryland General Assembly employee is also contingent upon the employee’s job performance, budgetary requirements, and the continuing service of the supervising member(s).**

#### B. Employment of Relatives

A member is prohibited from employing for legislative business his or her own relatives or the relatives of another member from the same legislative district if the employee is paid from State funds over which the member has direct control, unless the person is needed to assist a legislator who has a physical impairment.

#### C. Authorization to Hire

**Members must provide written authorization to the Human Resources Office to place an employee on the payroll. The authorization must indicate whether the position is a benefited or non-benefited position.** All newly hired benefited full-time and benefited part-time employees must appear in the Human Resources Office in Annapolis to process employment forms and to be placed on the payroll before commencing work. All new employees, benefited or non-benefited, are required by Federal regulation to file a W-4 form (tax obligation) and an I-9 form (Employment Eligibility Verification) at the time of employment. Under the Immigration Reform and Control Act of November 6, 1986, employers are required to verify that all new employees are either United States citizens or aliens authorized to work in the United States. Consistent with this law, employment in the Maryland General Assembly will be contingent upon the completion of the I-9 form and the ability to provide the necessary documents of citizenship and work authorization.

Two or more members of the House of Delegates may employ a benefited full-time or benefited part-time employee only if:

- the members are elected to represent the same Legislative District or they share the same office suite or district office; and
- each member agrees to pay the employee the same daily rate.

In a gubernatorial election year, the Finance and Administrative Services Office reserves one-half of each member's district office funds pending the outcome of the election. If an employing member does not return to office, employment of the member's staff is terminated on December 31 of the election year.

## **D. Position Responsibilities**

Positions may be available in leadership offices and administrative offices of the Senate or House, Senate and House committees, delegations, and member offices. Due to the number of offices and differences in the legislative districts, there are no standard job descriptions. For guidance, sample job titles and duties are listed below:

### **Receptionist/Legislative Clerk**

Employees in these positions perform basic legislative and clerical functions.

#### **Job Duties**

- Greet the general public and other staff and assist them with their questions or concerns
- Perform basic computer functions
- Perform standard office duties
- Answer and direct telephone calls to appropriate persons; take accurate messages
- Open and sort mail
- Prepare sign-up sheets for bills scheduled for hearings
- Receive and distribute testimony for bill hearings
- Duplicate materials as needed
- Make and label bill files
- File copies of bill testimony and other legislative materials
- Provide backup assistance to other staff
- Perform other duties as required

### **Legislative Secretary**

This intermediate-level position requires more advanced legislative and technical skills. Employees in these positions must have excellent writing skills to compose testimony and prepare speeches.

#### **Job Duties**

- Perform legislative clerk responsibilities
- Perform advanced computer functions
- Record data on legislation and amendments
- Maintain supervising member's calendar, schedules, appointments, and meetings
- Compose correspondence and prepare for signature
- Respond to constituent inquiries
- Track pending legislation for supervising member(s)
- Prepare resolutions
- Attend hearings for member
- Prepare position letters for member
- Perform more complex duties as required

### **Committee Assistant**

This advanced legislative position requires a high level of legislative and technical skills. Committee assistants are administrators to the full committee and any subcommittees created by the legislature. The committee assistants work very closely with Committee Chairs, Senators, Delegates, and Department of Legislative Services analysts assigned to the committee and with staff to other committee members. Staff will work comprehensively with the MAPPER computer system.

#### **Job Duties**

- Perform general office duties with proficiency
- Assist in hiring, training, and assigning work to support staff
- Track and maintain accurate priority actions for member/committee analyst
- Prepare research and compile information for legislation
- Review legislative initiatives and assess the impact of proposed legislation
- Manage and resolve constituent issues
- Correspond with general public and various government agencies
- File amendments

- Attend legislative hearings, record votes, and keep hearings running smoothly
- Perform legislative duties as assigned by chair

### **Administrative Aide**

These advanced legislative positions require a thorough understanding of the legislative environment and advanced knowledge of the legislative process. Employees in these positions need exceptional problem-solving skills and the ability to work cooperatively with composure under time constraints, as well as respond to the multiple demands of legislative staff, the public, and other individuals. Administrative aides work very closely with Committee Chairs, Senators, Delegates, and Department of Legislative Services' analysts assigned to the committee and with staff to other committee members.

#### **Job Duties**

- Perform legislative secretarial duties
- Interview, hire, train, and assign work to support staff
- Plan and arrange committee meetings/hearings, including committee site visits and retreats (if assigned to a committee)
- Prepare research and compile information on legislation
- Review legislative initiatives to assess the impact of proposed legislation
- Manage and resolve constituent issues
- Correspond with constituents and government agencies
- Perform other duties as required

## IV. Salary Policies

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### A. Benefited Employees

To qualify as a benefited full-time employee, employees must work the following schedule:

- 260 days per year or 100% on an annual basis, 5 days per week, 8 hours per day

To qualify as a benefited part-time employee, employees must work the following schedule:

- 130 days per year or 50% on an annual basis with a minimum of 40% (2 days per week) during the legislative interim

Employees must work a regular, established bi-weekly schedule during the legislative session and the interim. To ensure proper payroll reporting, the supervising member must submit, in writing, to the Human Resources Office the planned session and interim work schedule for all employees.

### B. Funding

Salaries for legislative employees are funded through:

- the Maryland General Assembly budget process for Maryland General Assembly-funded employees, or
- the member account for member-funded employees

*MGA-funded benefited employees* are funded in the annual budget. The salary for each newly hired Maryland General Assembly-funded employee is approved by the respective Presiding Officer upon submission of a request from the supervising member. Salary increases for these positions are granted solely at the discretion of the Presiding Officer(s) and increases are generally considered during the annual budget cycle. These employees may not receive cash payment for any time worked in excess of an 8-hour day or a 40-hour week; however, they may earn compensatory leave for extra hours worked in accordance with compensatory leave policy (see page 23 - Compensatory Leave section).

*Member-funded benefited employees* are funded through a member account. The salary of a newly hired member-funded employee is set by the supervising member(s) after determining that funds are available in the member account. Any additional increases are granted at the discretion of that member. The employee may receive payment for additional full days (an 8-hour day) worked only if the supervising member notes and initials to approve extra days worked on the employee timesheet for the period and the Finance and Administrative Services Office certifies that sufficient funds are available in the member account.

A request for additional compensation must be submitted to the Human Resources Office within two pay periods of the extra days worked. Member-funded benefited employees may receive payment for **extra days** worked for the **current pay period or two prior pay periods** only. Employees may not receive bonus payments. Pay increases may, at times, be subject to the approval of the Presiding Officers.

*MGA-funded temporary session employees* are paid a per diem rate. However, those who work during the legislative session may be authorized by the Presiding Officer(s) to receive cash payment for extra days worked immediately preceding and immediately following the Legislative Session. Due to the irregular schedule and workload of the Maryland General Assembly, legislative employees are occasionally expected to work extended hours during session without additional compensation.

### C. Time Records

All benefited employees and certain non-benefited employees, as directed by the Human Resources Office, shall complete and submit bi-weekly timesheets to the Human Resources Office following the pay period closing date. It is each employee's responsibility to ensure that timesheets are completed accurately and honestly and submitted to the Human Resources Office. Failure to do so in a timely manner may result in loss of leave and benefits. ***Employees shall not prepare or sign timesheets for other employees. Misrepresentation on a timesheet of the amount of time worked is a serious matter, which may result in disciplinary or legal action.***

Each timesheet must be approved by the supervising member(s) or by the designee of the Presiding Officer(s). Signature stamps and signatures other than those of the authorized persons mentioned above are not acceptable. Members or supervisors may not sign blank timesheets in advance of the time worked.

During the interim, employees who work in Annapolis may have their timesheets approved by a staff person designated by the Speaker or President when the supervising member is not available.

When completing timesheets, hours must be reported in not less than half hour increments. For example, employees may register 5.5 hours (five and one-half hours), but not 5.3 hours.

A sample timesheet is included on page 37 of these guidelines.

#### **D. No Bonus Payments**

Legislative employees may **not** receive bonus payments from any legislative funding source at any time, except as provided in the State budget.

#### **E. Pay Schedule**

Legislative employees are paid bi-weekly (every two weeks). A bi-weekly payroll runs from Wednesday through the second following Tuesday.

Salary checks are mailed to the employee's address on file with the Human Resources Office the week following the pay period closing date. A schedule of pay dates is available from the Human Resources Office. Employees should advise the Human Resources Office of any change in address.

#### **F. Direct Deposit of Pay**

Direct deposit of payroll checks to a checking account or other banking account is standard for all legislative employees. Each new employee must complete a direct deposit form, which is available from the Human Resources Office.

Upon submission of the direct deposit form to the Central Payroll Bureau, enrollment may take up to six weeks to process. According to Central Payroll Bureau procedures, employees enrolled in the direct deposit program who are making a change in banking institutions will receive a paycheck before direct deposit to the new institution is initiated.

#### **G. Payroll Online Service Center (POSC)**

The Comptroller's Office and the Central Payroll Bureau administer the Payroll Online Service Center (POSC). Employees enrolled in POSC can access their pay stub information electronically by visiting <http://compnet.comp.state.md.us/cpb>. Employees who do not have access to a personal computer and printer should notify the Human Resources Office. This application provides employees with the following online services in addition to the web only access:

- Online pay stub history (12 rolling months)
- Up to 5 years history of year-end pay stub information
- View and print up to 3 years of W-2 information
- Address update capability

- Direct deposit update capability
- W-4 withholding changes

First time users must execute the “sign up” process through the POSC website. Some personalized data and unique information found on the most recent pay stub will be required. Pay stub information received within the last 8 weeks may be used. New employees must receive their first paycheck before enrolling. This process will help you generate a “logon ID and password” that will be used each subsequent time you access the POSC.

A copy of any change made on POSC **must** be submitted to the Human Resources Office.

## **H. Payroll Deductions**

Various payroll deductions are made each payday to comply with federal and State laws pertaining to taxes, insurance, and pension contributions. Payroll deductions are taken in a priority order:

- FICA
- Federal taxes
- State taxes
- Conditions of employment deductions, such as retirement
- Mandated deductions
- Health insurance deductions
- Voluntary deductions

Employees will be supplied with a wage and tax statement (form W-2) for each calendar year. This statement summarizes individual income and deductions for the year. Questions regarding these forms and deductions should be directed to the Human Resources Office.

## **I. Lost Paychecks**

If a paycheck is lost or misplaced, the Human Resources Office should be notified if it has not appeared after 5 business days. A replacement check may take up to 10 business days to be issued.

## **J. Travel Reimbursement**

Generally, legislative employees are not compensated or reimbursed for travel expenses, including mileage, lodging, and food expenses incurred in the performance of their duties.

## V. Benefits and Services<sup>1</sup>

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### A. Summary/General Overview – A brief description of benefits and/or services follows this chart.

Benefit	Benefited F/T or P/T Employees	Contractual Employees
COBRA	Eligible	Eligible
Credit Union (SECU)	Eligible	Eligible
Deferred Compensation Traditional/Roth 401(k) and 457(b)	Eligible	Eligible, but not for State match
Health Benefits	Eligible and subsidized; benefited part-time employees must work at least 50% of a full-time schedule or a minimum of 130 days on an annual basis	If working 30 or more hours a week (or on average 130 hours per month) may be eligible for subsidized health benefits <sup>2</sup> ; others may purchase health benefits but must pay full cost plus administrative fee
Leave (see Section VI) <sup>3</sup>	Eligible	Not Eligible
Parking--Free Navy-Marine Corps Memorial Stadium and shuttle	Eligible	Eligible
Pension System	Eligible	Not Eligible
Social Security	Eligible	Eligible
Unemployment Insurance	Eligible	Eligible
Workers' Compensation	Eligible	Eligible

The existence of these employee benefits and plans, in and of themselves, does not signify

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<sup>1</sup>A person performing consulting services on a contractual basis for a member or legislative office is not an employee of the Maryland General Assembly and may not receive any employee benefits. Short-term employees are not eligible for benefits.

<sup>2</sup>Eligible contractual employees are responsible for paying 25% of the premiums for medical and prescription coverage, including any eligible enrolled dependents. The State of Maryland will subsidize the remaining 75% of the cost for these benefits.

<sup>3</sup>Because the duties of desk officers are performed primarily during the legislative session, desk officers do not accrue leave.

that an employee will be employed for the requisite time necessary to qualify for these benefits and plans.

## **B. Consolidated Omnibus Budget Reconciliation Act (COBRA)**

If an employee leaves the General Assembly, certain health benefits may be continued under the federal COBRA regulations, provided the former employee pays the total cost of the benefits plus an administrative fee. The State Health Benefits Office will bill the former employee directly. Information on COBRA benefits is available from the Human Resources Office.

## **C. Credit Union**

Legislative employees are eligible to join the State Employees Credit Union of Maryland. Services include savings and checking accounts, loan privileges, IRAs, and payroll deductions for checking, savings, and loan repayments.

## **D. Deferred Compensation – Traditional/Roth 401(k) and 457(b) Plans**

The Maryland Supplemental Retirement Plans are provided by the State of Maryland as an employee benefit available for voluntary participation. These voluntary plans permit eligible employees to defer a limited amount of earnings on a pre-tax basis to a savings plan allowed by Sections 401(k) and 457(b) of the Internal Revenue Code. Also, after-tax Roth 401(k) and 457(b) options are available. These plans are offered through Nationwide Retirement Solutions (NRS), a private financial investment company.

A representative of NRS provides individual employee consultations in Annapolis periodically. The Human Resources Office notifies employees of the consultation dates and schedules meetings for interested employees.

For a period of time, the State has matched the contributions of a benefited employee enrolled in the employee Deferred Compensation plans up to a maximum as provided in the annual State budget. Members of the Maryland General Assembly and temporary employees who join the Deferred Compensation plans are not eligible for a match, if any is approved in the annual State budget.

## **E. Health Benefits**

The Maryland General Assembly participates in the State employee and retiree health and welfare benefits program. Accordingly, the Maryland General Assembly provides the same package of subsidized employee benefit programs for eligible benefited employees as the State provides to Executive Branch employees. Through participation in this plan, the General Assembly provides eligible employees the opportunity to enroll in a variety of benefits through a cafeteria plan under the IRS Code, Section 125, allowing pre-tax premium deductions in the program and tax-free state subsidies. Under this program, the State pays a portion of the health benefit cost for medical (vision), dental, and prescription plans for eligible employees. It also provides the benefit of group rates for term life insurance, long-term care insurance, and accidental death and dismemberment insurance. A pre-tax Day Care and Health Care Spending Account may also be established.

Some contractual employees are eligible to enroll in the same *health* benefits as benefited employees, with the exception of flexible spending accounts and long-term care insurance. Contractual employees who work 30 or more hours a week (or on average 130 hours per month) may be eligible for *subsidized medical and prescription* coverage for themselves and any eligible enrolled dependents. Contractual employees who do not meet the minimum work requirements may apply for unsubsidized health insurance at a cost determined by the State's Department of Budget and Management. Dental coverage, accidental death and dismemberment insurance, and life insurance are available to contractual employees at full premium costs.

New employees eligible to participate in the State plans have 60 days from their hire date to enroll themselves and the eligible dependents they want to cover and to submit the required documentation. Generally, changes can be made only during annual open enrollment periods, usually during the fall of each year for coverage effective January 1 through December 31. However, changes in family status (birth or adoption, death of a dependent, marriage or divorce, loss of other coverage, etc.) may be made within 60 days of the qualifying event.

Dependent children of an employee may be covered on the employee's benefits coverage through the end of the month in which they reach age 26. Disability certification is required to cover children beyond age 26. Other child relatives are eligible for coverage through the end of the month in which they turn age 25. Employees will be required to provide verification for all dependents to be enrolled in the plan.

Periodically, the State negotiates changes to the benefits package. Consequently, the benefits offered by the Maryland General Assembly are subject to change. Benefits become effective either the first or sixteenth of the month, based on the pay period in which the first deduction is taken. Deductions for all flexible benefit plans are taken out of employees' paychecks for 24 bi-weekly periods each calendar year.

For more information about benefit plans or to obtain forms, contact the benefits coordinator in the Human Resources Office or visit the Department of Budget and Management's website at <http://dbm.maryland.gov/benefits>.

## F. Parking

Free parking at the Navy-Marine Corps Memorial Stadium and shuttle service to the legislative complex are available to Maryland General Assembly employees in the Annapolis area. For further information, contact the Parking Coordinator in the offices of the President of the Senate (ext. 3700) or the Speaker of the House (ext. 3392), as appropriate.

## G. Pension System

Regular employees employed by the State prior to 1980 qualify for benefits under the **State Employees' Retirement System**, if they remained in the system.

All regular employees hired after January 1, 1980, become members of the **State Employees' Pension System**. From time to time, the General Assembly may enact legislation changing the retirement and pension systems of the State. Legislation in 2006 created a new component of the State Employees' Pension System: the **Alternate Contributory Pension Selection Plan**. Employees are required to make mandatory contributions. As of July 1, 2011, the annual employee contribution is 7% of earnable annual compensation. Contributions are automatically deducted for active State employees.

Employees hired on or after July 1, 2011, are subject to the **Employees' Reformed Contributory Pension Benefit**. The following chart provides a summary of the major changes enacted by the Budget Financing and Reconciliation Act of 2011. This summary applies generally but may not address every change or every situation. If you are not sure which system or benefit applies to you, please contact the State Retirement Agency directly. You may also refer to your annual personal statement of benefits that is mailed to your home address annually.

Senate Bill 560 (Chapter 182), which took effect July 1, 2015, provides that membership in the Employees' Pension System is **optional** for certain employees to include an employee of the Senate or House of Delegates. Employees who elect not to participate in the Employees' Pension System must complete Form 60.15 provided by the Maryland State Retirement Agency. Such option is final, binding, and irrevocable. Membership is mandatory for all employees serving in these same positions hired before July 1, 2015.

	<b>Current Members as of June 30, 2011</b>	<b>Employees Hired on or After July 1, 2011</b>
<b>Annual Employee Contribution</b>	7% of earnable compensation	7% of earnable compensation
<b>Average Final Compensation</b>	Average of the 3 highest consecutive years	Average of the 5 highest consecutive years
<b>Normal Service Retirement</b>	30 eligibility service years or age 62 with 5 years; age 63 with 4 years; age 64 with 3 years; or age 65 or older with 2 years	The Rule of 90 (sum of age and eligibility service years) or age 65 with 10 eligibility service years
<b>Early Service Retirement</b>	Age 55 with 15 eligibility service years	Age 60 with 15 eligibility service years
<b>Vesting</b>	5 eligibility service years	10 eligibility service years
<b>Cost-of-living Adjustment (COLA)</b>	<b>For credit earned before July 1, 2011:</b> Annual retiree COLA linked to Consumer Price Index (CPI) with a cap of 3% per year  <b>For credit earned on or after July 1, 2011:</b> COLA remains linked to CPI but capped at: 2.5% if assumed rate of return for investments in prior calendar year is achieved. 1% if investment target not met	COLA remains linked to CPI but capped at: 2.5% if assumed rate of return for investments in prior calendar year is achieved. 1% if investment target not met

**Note:** Eligibility service determines when you qualify for a retirement benefit; and creditable service, along with your age, determines the amount of your retirement benefit. As a member of the pension system, you earn service credit toward your retirement based on **actual time worked**. All employees are advised to request an application for an estimate of service retirement allowances 12 months prior to a planned retirement date and consult with Human Resources regarding the impact of terminating on other benefits such as health insurance.

The retirement benefits package includes a death benefit equal to one year's salary plus contributions with accumulated interest payable to a designated beneficiary. Coverage for a nonjob-related death goes into effect after you complete one year of service. Coverage for death in the performance of duty begins your first day on the job. Employees are advised to keep their beneficiary designation current.

From time to time, the General Assembly may enact legislation changing the Retirement and Pension Systems of the State. More specific information on retirement is available from the benefits coordinator in the Human Resources Office or you may refer to the State Retirement Agency website at [www.sra.state.md.us](http://www.sra.state.md.us).

## **H. Social Security**

All employees are covered by the Social Security Act (FICA). A required percentage of employee compensation is deducted from the employee's earnings to pay the employee's portion of this protection. The Maryland General Assembly pays matching premiums for each employee. The plan provides Social Security retirement benefits, as well as disability, death, survivor, and Medicare benefits.

## **I. Unemployment Insurance**

The Unemployment Insurance program is funded entirely by employers in the State of Maryland. The program provides certain weekly benefits if employees become unemployed through no fault of their own or due to circumstances described in the law.

As noted in Section V – Benefits and Services, legislative employees are covered under the provisions of the unemployment law. The Unemployment Benefits Office verifies dates of employment with the General Assembly prior to approving a claim. Employees should verify dates of employment on file in the Human Resources Office, prior to filing an unemployment claim. Employees are reminded that filing a claim for unemployment for the same period of time for which they are paid by the Maryland General Assembly is fraudulent.

## **J. Workers' Compensation**

An employee who sustains an accidental personal injury arising out of and in the course of the performance of his or her job duties may be covered under the Workers' Compensation Law. The injured employee or an individual acting on the injured employee's behalf must provide notice of the accident to the Human Resources Office promptly after the accident occurs. A representative from the Human Resources Office will file an Employer's First Report of Injury with the Injured Workers' Insurance Fund (IWIF) and the Workers' Compensation Commission after receipt of the notice of injury. Based on the accident report filed, the Workers' Compensation Commission determines whether or not the injury is compensable. If the Workers' Compensation Commission makes a determination of a compensable injury, medical bills will be paid by IWIF.

## **VI. Leave Policies**

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Non-benefited legislative employees and desk officers are not eligible to earn paid leave. Approval of the supervising member is required prior to taking leave of any type, except unforeseen sick leave. Leave is not approved during the legislative session for employees in the Annapolis offices, except as authorized by the supervising member. Additionally, during the legislative session, the General Assembly does not close for holidays and holiday leave is not granted.

Benefited employees are eligible for leave as noted in the following sections.

### **A. Leave With Pay**

#### **1. Annual Leave**

Annual leave is earned based on the percentage of time worked (for leave-earning purposes, refer to the chart on page 38). All employees must receive prior approval from their supervising member before using annual leave.

Benefited employees accumulate annual leave on a bi-weekly basis. A maximum of 75 days may be carried forward at the end of each calendar year. The official end of the calendar year is determined by statute, regulation, or agency ruling and may not necessarily coincide with December 31 of each year.

If a legislative employee transfers to another State agency, earned annual leave is generally transferred to the new agency. Upon separation from State service, an employee will be paid for accumulated and unused annual leave not exceeding 50 days of the total that were accrued at the end of the previous calendar year plus any unused annual leave that is earned during the year in which the employee leaves State service. Upon leaving the General Assembly, the maximum possible payout for annual leave is 75 days. Timesheets must be current for the employee to receive an annual leave payout.

Newly hired benefited employees who have prior Maryland General Assembly contractual service within the last four years may receive credit for up to six months of service only for leave earning purposes. This credit will be pro-rated based on number of hours worked.

#### **2. Personal Leave**

Benefited employees are eligible for personal leave. Personal leave days are granted at the beginning of each calendar year. Use of personal leave must be approved in advance by the supervising member(s). Any personal leave not used by the end of the calendar year is lost. The

official end of the calendar year is determined by statute, regulation, or agency ruling and may not necessarily coincide with December 31 of each year. Upon termination of service, there is no payment for unused personal leave.

Employees are granted personal leave based on their date of entry at the following rates:

- Full-time benefited employees receive 6 personal leave days per year
- Newly hired full-time benefited employees hired between January 1 and June 30 receive 6 personal leave days
- Newly hired full-time benefited employees hired between July 1 and December 31 receive 3 personal leave days
- Part-time benefited employees receive 4 personal leave days per year
- Newly hired part-time benefited employees hired between January 1 and June 30 receive 4 personal leave days
- Newly hired part-time benefited employees hired between July 1 and December 31 receive 2 personal leave days

### 3. Holidays

**Benefited full-time** employees are entitled to the holidays authorized by State law for State employees. However, due to the extraordinary and irregular schedule of the General Assembly during session, the General Assembly does not close. Employees will be required to accept a compensatory day of leave in lieu of taking the holiday on the actual day designated.

The official State holidays are as follows:

New Year's Day	Labor Day	American Indian Heritage Day
Martin Luther King, Jr. Day	Columbus Day	Christmas Day
Presidents' Day	*General Election Day	
Memorial Day	Veterans' Day	
Independence Day	Thanksgiving Day	

Subject to the conditions set forth above, **benefited part-time** legislative employees are entitled to seven (eight in a general election year) of the State holidays, as indicated below:

New Year's Day	Labor Day	American Indian Heritage Day
Memorial Day	*General Election Day	Christmas Day
Independence Day	Thanksgiving Day	

\*includes gubernatorial and presidential elections

#### 4. Compensatory Leave

Due to the extraordinary and irregular schedule of the General Assembly, legislative employees are expected, especially during session, to work extended hours without additional compensation. Legislative employees do not qualify for overtime payments. Additional hours worked beyond those comprising a normal workday and workweek earn no credit for annual leave, sick leave, nor do they serve to qualify one as a benefited full-time or benefited part-time legislative employee, or for any other benefit.

Legislative employees do not automatically become entitled to compensatory leave for excess hours worked. Compensatory leave may be granted on an hour for hour basis only if consistent with the work requirements of the office and must be indicated on the employee's timesheet for the period involved and certified by the signature(s) of the supervising member(s) or, if none, the Presiding Officer(s). **Timesheets must be filed with and maintained by the Human Resources Office.** Compensatory time must be used within one year of the date earned. Compensatory time may be granted as follows:

- If the employee is required to work on a Saturday, Sunday, or State holiday to which he or she is entitled; or
- If the employee is required to work for an extended period beyond the 8 hour day (not to include lunch) for 30 minutes or more on a business day.

Upon separation from the General Assembly, unused compensatory leave will be forfeited.

#### 5. Sick Leave

Sick leave is earned based on the percentage of time worked (for leave-earning purposes, refer to the chart on page 38).

Employees may use sick leave for their own illness or disability, for the illness or disability of a member of their immediate family, for the birth or adoption of a child, or for a death in their immediate family (known as bereavement leave). For a list of immediate family members, see Bereavement Leave section below. Use of sick leave may require verification by a physician.

Sick leave is a valuable benefit earned by employees to be used for illness or injury. It should not be used as a substitute for other types of leave.

## **6. Bereavement Leave (Sick Leave Charge)**

With the approval of the supervising member(s), benefited employees may use a maximum of five days of available sick leave in the event of the death of the following immediate family members:

- Spouse
- Child or spouse of child or legal ward
- Parent, step parent, or foster parent of employee or spouse
- Brother or sister of employee or spouse
- Grandparent or grandchild of employee or spouse
- Legal guardian or former legal guardian
- Other relative living as a member of the employee's household

With approval of the supervising member(s), benefited employees may use a maximum of one day of available sick leave in the event of the death of the following relatives:

- Aunt or uncle of employee or spouse
- Nephew or niece of employee or spouse

## **7. Jury Duty**

Benefited employees may serve on a jury without loss of earnings or leave. Normal earnings will be paid by the Maryland General Assembly for the period of jury service. Employees called for jury duty should advise their supervising member(s) promptly after receiving notification to appear. Employees may also use court/jury summons leave if they are summoned for a court appearance when they are not a party to an action or a paid witness. Upon completion of service, a jury confirmation form supplied by the court must be attached to the time sheet submitted for that pay period. Employees should code the time as "jury leave" when completing timesheets.

## **8. Military Leave**

A legislative employee who is a member of a reserve unit of the U.S. Armed Forces, or in the organized militia, may receive up to 15 days military leave annually for military training without loss of pay or charge against leave. Documentation is required to be granted this leave.

## **9. Accident Leave**

Employees who suffer a temporary disabling injury in the actual performance of their duties and cannot work are granted paid accident leave for a period of six months from the date of

the injury if a physician certifies that they are disabled because of the injury and the Workers' Compensation Commission determines that the employee has a compensable injury. An employee must use accident leave beginning on the first day of the disability and continuing until the day the employee is certified to return to work by a health care provider or six months from the day of the disability, whichever is earlier. After an employee returns to work, accident leave may be granted for continuing treatment as certified by a physician selected by the appointing authority up to six months from the day of the original disability. An employee may be granted up to an additional six months of accident leave if no decision has been reached by the Workers' Compensation Commission on their claim. Accident leave is paid at two-thirds of the regular rate of pay.

### **10. Religious Observance**

Benefited employees may use annual leave, personal leave, or compensatory leave for religious observances, with prior notification to their supervising member(s).

### **11. Liberal Leave**

Liberal leave is chargeable annual, personal, or compensatory leave. It is unscheduled leave which may be used only in certain emergency situations and only after it is authorized by the presiding officers.

## **B. Approved Leave of Absence Without Pay**

A leave of absence without pay may be granted at the discretion of the President or Speaker to eligible employees to maintain continuity of service in instances where unusual or unavoidable circumstances require prolonged absence or in accordance with federal or State law.

In order to maintain pension service credit, the leave must be for a reason acceptable to the State Retirement System. Currently those reasons are personal illness, maternity/paternity, adoption, career-related study, government-sponsored or subsidized employment, or service in a professional organization. If the employee takes an unpaid leave of absence for reasons other than those noted above, active membership in the State Retirement System ceases and accrued service credit may be affected.

An employee requesting a leave of absence without pay must put the request in writing to the supervising member. The request and the recommendation of the supervising member will be forwarded to the President or Speaker for consideration. If the request is approved, the employee must complete an application to be placed on a qualifying leave of absence (State Retirement Agency form 46) and submit it to the Human Resources Office prior to beginning the leave.

The employee may be eligible to be rehired to the same or a comparable position, if such a position is available. Note that this benefit allows the employee to continue to earn service credit and protects the employee's survivor benefit during the period of leave, not to last longer than 2 years. There is no guarantee that a position will be available after the period of leave.

An employee who applies to return from a leave of absence and is rehired must repay any required payroll contributions to the retirement system, plus interest, in order to be eligible for retirement credit for the period of absence. In order to receive credit for the period, the employee must file a request to purchase prior service (State Retirement Agency form 26) with the Human Resources Office.

Human Resources will notify the State Retirement Agency for an employee who is rehired on a regular or contractual basis when returning to work. The benefits provided under the leave of absence agreement will end at that time. The State Retirement System should be consulted directly regarding service credit.

For further information about benefits while on approved leave of absence, employees should contact the Human Resources Office.

## **VII. On the Job/Standards of Conduct**

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### **A. Ethics Code**

All legislative employees fall under the provisions of the State Ethics Law, which is administered by the State Ethics Commission. Be sure you read and understand the State Ethics Commission Summary (Attachment A). Violations of the State Ethics Law may lead to disciplinary action or civil or criminal sanctions. Questions may be addressed to the State Ethics Commission. The ethics counsel of the Maryland General Assembly represents only the members of the General Assembly and not staff.

### **B. Code of Conduct**

Every legislative employee is important to the overall successful operation of the Maryland General Assembly. Employees are expected to conduct themselves in a manner that ensures an orderly and positive work environment for themselves, their co-workers, and the public.

The National Conference of State Legislatures (NCSL), of which Maryland is a member, has developed a “Model Code of Conduct for Legislative Staff.” This document is included as a resource for all legislative employees (Attachment B). You should read this booklet and become familiar with the standards of conduct as set forth in the “Model Code.” It sets the tone by which legislative employees should conduct themselves as employees of the Maryland General Assembly.

### **C. Confidentiality**

Disclosure of confidential information is governed by the State Ethics Law and Maryland General Assembly policy. Legislative employees may have access to confidential information concerning internal General Assembly activities and personal or constituent matters. Confidential information should not be discussed with any unauthorized person. Legislative employees should not divulge confidential information concerning Maryland General Assembly members or other legislative employees to which they may be privileged. Staff is not authorized, unless authorized by supervising member, to give any comment to press.

If there is a question about whether a matter is confidential or whether a person is authorized to receive the information, a legislative employee should consult his or her supervising member(s). This consultation should occur prior to the release of information concerning the matter in question. Legislative employees who disclose confidential information are subject to disciplinary action, termination of employment, or as otherwise provided for by law.

**D. Conflict of Interest**

Employees of the Maryland General Assembly may not participate in any matter in which the employee or a qualifying relative of the employee has an interest or in a matter related to a business entity in which the employee has a direct financial interest. Employees may not participate in a business entity doing business with the State or a business entity subject to regulation by the Maryland General Assembly.

**E. Abuse of Prestige of Office**

Employees of the Maryland General Assembly may not use the prestige of the legislative office or legislative position for their own private gain or that of another or to advance an interest in conflict with these guidelines.

**F. Dual Employment**

It is the responsibility of legislative employees to ensure that any employment they may have with any other employer is permitted under the provisions of the State Ethics Law, administered by the State Ethics Commission. Issues may include conflicts of interest or the appearance of a conflict, salary payments from two employers for the same time period, or incompatible duties. A volume of advisory opinions by the State Ethics Commission is available for review in the Department of Legislative Services Library. In addition, more stringent standards may be set by the Presiding Officers. Legislative employees must advise their supervising member if they currently hold or seek to obtain additional employment, and they must advise the Human Resources Office if they are employed in another State government office. Employees with questions may request an advisory opinion from the State Ethics Commission. The Human Resources Office may require a written statement regarding any secondary employment and bi-weekly timesheets from the employee.

**G. Professional Conduct**

Professional conduct is essential for the legislative staff of the Maryland General Assembly. Members rely on staff for expertise and assistance. All employees are to conduct themselves in a manner that reflects positively on the Maryland General Assembly. Legislative employees are expected to show respect, tact, and good judgment in dealing with all members of the Maryland General Assembly, co-workers, the general public, and employees of other public agencies. It is the responsibility of each legislative employee to assist and support the work of the members of the General Assembly. Moreover, all legislative employees must recognize that it is the elected members who have the responsibility and the authority to make legislative decisions.

## **H. Campaign Activities**

Legislators and legislative employees are not to use their legislative offices, equipment, or supplies for campaign purposes. All campaign activities within the legislative complex, including soliciting contributions and preparing campaign literature, are prohibited. Legislative employees are not required to, but may, participate in political activities on their own time outside the legislative complex. Employees must use their earned leave when participating in a political activity on a regular workday. Legislative employees may not be required by members or other legislative staff to provide any political service. A public official or an employee of the State may not require any legislative employee to make a political contribution. Legislative staff serving multiple members who represent diverse political parties and opinions should be particularly sensitive and respect these differences. Employees should perform their duties in a competent and equitable manner for all members.

## **I. Seeking Public Office**

Consistent with rules prohibiting legislators from campaign activity during the legislative session, while employed by the Maryland General Assembly, an employee may not run for an office in the Maryland General Assembly. A legislative employee who holds himself/herself out publicly as a candidate for an office in the Maryland General Assembly through activities such as creating a campaign website, making public appearances or statements or sending mailings asserting that he or she is running for such office, or accepting a campaign contribution for such office shall be deemed to be running for such an office. Moreover, a filing with the Elections Board to run for a State legislative office shall be considered the employee's resignation from his or her position with the Maryland General Assembly. If not otherwise prohibited by law, an employee may run for other elective office, with permission of the supervising member, without resigning his or her employment in the General Assembly.

## **J. Dress and Personal Appearance**

The legislative complex is frequented by the public and the media. Legislative employees are to maintain an appropriate appearance that is businesslike, neat, and clean. Casual attire is not acceptable during the 90-day legislative session. During the interim period between sessions, business casual attire (no shorts or work jeans) is acceptable. Casual dress is also acceptable in conjunction with office moves and/or renovations or when your area is experiencing heating/cooling problems. Employees who have questions about appropriate attire should consult their supervising member(s).

## **K. Security and Emergency Procedures**

### **1. Security Proximity Cards**

Newly hired Senate employees must report to the Senate President's Office and newly hired employees of the House of Delegates must report to the House Administrator's Office to obtain the application necessary to have a photo taken for a security proximity card (ID card), which is used as proof of identity. This card allows employees to have access to certain buildings in the legislative complex and assigned parking lots, and to ride the shuttle to free parking in the Navy-Marine Corps Memorial Stadium lot. The badge must be worn at all times in a manner that allows it to be seen easily by security personnel. If an employee loses the ID badge, he/she must immediately notify the appropriate House or Senate office as mentioned above. A significant fee is charged for a replacement.

Because these cards are proof of identity, if you change your name you must obtain a new proximity/ID card. Doing so will ensure that parking privileges, access to buildings, and shuttle privileges will not be adversely affected. There is no charge for the new card. It is the employee's responsibility to promptly inform both Human Resources and the parking coordinator of any name changes.

ID cards are the property of the State. Upon termination of employment with the Maryland General Assembly, this card must be returned to the Office of the House Administrator, 152 House Office Building, or the Office of the Senate President, State House. The Secretary of the Department of General Services has authority to impose penalties and/or fees for failure to surrender ID cards.

### **2. Emergency Action Plan**

The Maryland General Assembly issued the Emergency Action Plan handbook in June 2012. The handbook includes information on preparedness, building evacuation, and specific threats and emergencies. A copy, which includes list of floor wardens, is provided to all new employees. Please read this important booklet and familiarize yourself with its contents.

**KEEP EMERGENCY INFORMATION IN A CONSPICUOUS LOCATION AT ALL TIMES.**

#### **Emergency Contacts:**

- State Police, Room 102, Legislative Services Building, 410-841-3844.
- Maryland Capitol Police, Central Services Building (adjacent to B Lot), 410-260-2911.

- For rapid response, dial “22” to reach Maryland State Police or the Maryland Capitol Police located in the legislative complex.
- For medical emergencies, dial 911.

### **3. Security Procedures**

The Maryland State Police and the Maryland Capitol Police provide security and emergency assistance for the Maryland General Assembly. The Maryland State Police maintain order in the State House, Senate, House of Delegates, and at hearings and rallies. They also investigate threats against elected officials and staff. The Maryland Capitol Police provide security for the physical operation of the Annapolis complex.

#### **Personal Safety**

- Remember that police and emergency personnel are always in charge during emergencies. Follow their instructions promptly.
- Report any unusual activity or suspicious packages and persons immediately.
- Remain alert to your surroundings while walking to your vehicle and have vehicle keys in hand prior to leaving your building.
- Remember that you can use the Maryland Capitol Police escort service by calling 410-260-2911.

If you have security concerns in the legislative complex, call Legislative Security at ext. 3844.

#### **Fire Emergency (Alarm Will Sound and Strobe Lights Will Flash)**

- End all telephone conversations immediately.
- Follow your floor warden’s instructions (know who that is).
- Lock your desk and take important personal belongings with you.
- Close your office door when you leave the office.
- Guide any visitors out of the building.
- Leave the building promptly.
- Return to the building only after direction from security personnel.

**First aid kits** are located in Annapolis offices at the following locations:

Legislative Services Building	Basement	Print Shop and Information Desk
	Ground Floor	Bill Room, Room G-01
	First Floor	Office of Director, Policy Analysis, Room 120
	Second Floor	Office of Executive Director, Room 200
	Third Floor	Finance & Administrative Services, Room 300E Document Design, Room 307 Legislative Editing, Room 309
Miller Senate Building	Ground Level	Legislative Supply Office
State House	Ground Floor	Amendment Office
House Office Building	Third Floor	House Administrator - Room 152

A medical office in the State House (ext. 3918) is staffed by a nurse and doctor when the General Assembly is in session.

#### **4. Emergency Release/Closing**

The General Assembly does not close during a legislative session except in an extraordinary situation. An emergency release or closure due to weather or other conditions will be determined by the presiding officers. State announcements of Executive Department closures do not apply to the Maryland General Assembly. Dedicated emergency numbers have been established for General Assembly-specific announcements. The dedicated emergency number for the Senate is **301-858/410-841-3998**. The dedicated emergency number for the House is **301-858/410-841-3900**. There will also be a posting on the General Assembly website (<http://mgaleg.maryland.gov>). **All employees should maintain contact with their supervising member(s).**

#### **L. Smoking Policy**

In compliance with State law, smoking is prohibited in all offices and work areas (including garages) in the legislative complex. Additionally, the use of electronic cigarettes is prohibited.

#### **M. Substance Abuse Policy**

The **Legislative Branch of Maryland State Government Substance Abuse Policy** is included under “Policy Statements” in these Guidelines (Attachment C).

## N. Use of General Assembly Facilities, Equipment, and Supplies

General Assembly facilities and equipment are to be used for Maryland General Assembly business only and not for political or campaign activity, commercial use, or private gain.

Communication through MGA-provided facilities (computer, fax, and telephone) identifies the message as coming from the Maryland General Assembly. Therefore, all communications on this equipment reflect directly on the General Assembly. Employees should have no expectation of privacy when using Maryland General Assembly equipment. Use of equipment by employees implies their consent to be monitored. Use of these facilities may be monitored and reviewed for abuse which may result in disciplinary action.

### 1. Computers

Employees who are assigned computers which access the Maryland General Assembly Internet and e-mail systems are encouraged to take appropriate training when offered by the Office of Information Systems. Email accounts are generally not provided to contractual employees. Employees may not modify or remove standard General Assembly software installed on the computers unless approved by the Office of Information Systems. **There is no right to privacy in the use of these systems.** No one may use General Assembly facilities for commercial use or for personal gain. Any use of the Internet that is illegal, inappropriate, abusive, harassing, interferes with the network, adversely affects other users or reflects badly on the Maryland General Assembly is prohibited. The system and Internet use is monitored and is subject to audit. Any stored evidence of potential crime or unlawful usage may be retrieved and disclosed. **Use of the Maryland General Assembly system by any user, authorized or unauthorized, constitutes consent to monitoring by authorized personnel and to the retrieval and disclosure of any information stored on the network.** A policy statement from the Joint Advisory Committee on Legislative Data Systems is included in these Guidelines (Attachment D).

### 2. Telephones

Telephones are provided to serve the needs of the Maryland General Assembly. All calls must be answered promptly and courteously. Employees are expected to keep personal calls brief and to a minimum, as they are disruptive to the member(s) and other staff in the work area and interfere with the performance of job responsibilities. The Maryland General Assembly must be reimbursed for all personal long-distance calls. Employees should be aware that incoming calls and outgoing calls are logged by computer and periodically reviewed for possible abuse and reimbursement.

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of department phones. The Maryland General Assembly will not be liable for the loss of personal cellular phones brought into the workplace.

Voicemail is available for most staff. It is not intended to be used regularly during the course of normal business hours. Voicemail messages should include directions as to how the caller can get assistance by calling another number. If the Voicemail must be on for an extended period of time, the Voicemail system should be checked regularly and cleared of messages.

### **3. Metered Mail**

Members may have their mail processed through the Maryland General Assembly postage meter during the legislative session. Details are explained in the “Guidelines for Compensation and Expenses for Legislators” available from the Finance and Administrative Services Office.

### **4. Facsimile Machines**

Facsimile (FAX) machines are located throughout the legislative complex to conduct legislative business, but they may be used occasionally, if required, for essential personal business. The General Assembly should be reimbursed for any personal long-distance facsimile messages.

### **5. Photocopy Machines**

Photocopy machines are located conveniently throughout the complex for small copying jobs pertaining to Maryland General Assembly business. Large jobs (twenty copies or more or multi-page documents) should be taken to the Legislative Print Shop. If a copying machine is jammed or otherwise inoperable, contact the key operator for assistance. That name is posted in the copier area. Do not try to fix a jammed machine.

### **6. Workspace**

Legislative employees are encouraged to personalize their offices and work areas to make them more comfortable, so long as the items are appropriate for the workplace and are free of any reference that may be viewed as offensive or discriminatory. It should be noted that the office, furniture, and equipment are the property of the Maryland General Assembly, and care should be taken in the use of such property. Employees should secure all valuables when they are not in their work area. Reassignment of offices and work areas is made at the discretion of the presiding officers.

### **7. Office Supplies**

Office supplies authorized by your supervising member may be ordered through the Supply Office in the Miller Senate Building (ext. # 5050).

## **8. Stationery**

Stationery items for regular legislative staff may be ordered as authorized by the supervising member through Document Design, located in room 307, Legislative Services Building (ext. #5165). These items generally include personalized business cards and notepads.

## **O. Pets**

Consistent with policies and regulations applicable to other state buildings, dogs and other animals may not be brought upon the property for other than official purposes, except seeing-eye dogs and animals used to guide or assist handicapped persons.

## **P. Complaint Procedures**

The Maryland General Assembly is committed to protecting the legitimate rights of its employees. Employees of the Maryland General Assembly are at-will and serve at the pleasure of the employee's supervising member. It is the obligation of the employee to promptly report complaints to appropriate personnel. An employee who has a job-related complaint should attempt to discuss and resolve the matter within the office. The supervising member(s) has the primary responsibility for resolution of job-related complaints. Each employee and supervising member is encouraged to resolve on-the-job complaints in an atmosphere of mutual respect. If the issue cannot be resolved with the assistance of the supervising member or at the supervising member's request, the manager of Human Resources (HR) may assist in resolving problems. If a problem cannot be resolved informally, an employee may timely submit a written complaint to the manager of HR, except for matters relating to budgetary actions, layoffs/furloughs, department policies, and salary schedules. Within 14 days, the manager of HR will confer with the employee and make any other additional inquiry regarding the complaint. Within 14 days after conferring with the employee, the manager of HR will render a decision and notify the employee. If the employee is dissatisfied with the decision, the employee has 7 days to seek in writing a review from the appropriate Presiding Officer or designee. Within 45 days, the Presiding Officer or designee will issue a written disposition. An effort is made to keep all such consultations confidential to the extent consistent with appropriate investigation and remedial action, if applicable.

Complaints regarding unlawful discrimination and sexual harassment will be handled by the process outlined in the Maryland General Assembly Anti-Harassment Policy and Procedures found in these guidelines under policy statements (Attachment E).

## **Q. Resignation and Removal**

Legislative employees are expected to provide a two-week notice of resignation in writing. This letter should be directed to the supervising member with a copy sent to the Human Resources Office. Prior to the employee's last day in the office, the employee must:

- contact the Human Resources Office to schedule an appointment for completing required exit forms, and
- return all General Assembly property, including keys, security proximity card, equipment and any other legislative materials issued during the course of employment.

Legislative employees are “at-will” employees who have no contractual right to continuing employment and serve at the pleasure of the supervising member(s). An employee may be removed from the payroll by written notice to the Human Resources Office from the supervising member(s).

Violations of these Maryland General Assembly Personnel Guidelines policies and standards of conduct may result in discipline or removal.

## **R. Termination with Prejudice**

As discussed above, all General Assembly employees are at-will employees and, as such, may be terminated at any time with or without cause and without advance notice.

It is the policy of the General Assembly that, at the discretion of the presiding officers, a termination may be officially identified as being made with prejudice. A termination with prejudice is defined as such when an employee’s actions constitute a serious violation of the General Assembly regulations, policies, or standards of conduct, and are so egregious to the extent that the employee is permanently barred from employment in any capacity with the State. Under State law, an individual terminated with prejudice is ineligible for re-hire with any State agency and will be notified of this determination in writing.



## LEAVE EARNING TABLE

Days	Hours	ANNUAL				SICK
		0-5 years	6-10 years	11-20 years	20+ years	
1	8	18 mins	28 mins	37 mins	46 mins	28 mins
2	16	37 mins	55 mins	1 hr 14 mins	1 hr 32 mins	55 mins
3	24	55 mins	1 hr 23 mins	1 hr 51 mins	2 hrs 19 mins	1 hr 23 mins
4	32	1 hr 14 mins	1 hr 51 mins	2 hrs 28 mins	3 hrs 5 mins	1 hr 51 mins
5	40	1 hr 32 mins	2 hrs 19 mins	3 hrs 5 mins	3 hrs 51 mins	2 hrs 19 mins
6	48	1 hr 51 mins	2 hrs 46 mins	3 hrs 42 mins	4 hrs 37 mins	2 hrs 46 mins
7	56	2 hrs 9 mins	3 hrs 14 mins	4 hrs 19 mins	5 hrs 23 mins	3 hrs 14 mins
8	64	2 hrs 28 mins	3 hrs 42 mins	4 hrs 56 mins	6 hrs 10 mins	3 hrs 42 mins
9	72	2 hrs 46 mins	4 hrs 9 mins	5 hrs 33 mins	6 hrs 56 mins	4 hrs 9 mins
10	80	3 hrs 5 mins	4 hrs 37 mins	6 hrs 10 mins	7 hrs 42 mins	4 hrs 37 mins
TOTAL DAYS EARNED/YEAR		10	15	20	25	15

Benefited legislative employees who earn leave will be provided with a quarterly leave statement, as well as on request. Questions on leave should be directed to Human Resources at ext. 5120.

<p><b>STATE OF MARYLAND HOLIDAYS</b></p> <p><b>*New Year's Day</b>            Martin Luther King Jr. Day            Presidents' Day  <b>*Memorial Day</b>  <b>*Independence Day</b>  <b>*Labor Day</b>            Columbus Day  <b>*Gubernatorial and Presidential Election Day</b>            Veterans' Day  <b>*Thanksgiving Day</b>  <b>*American Indian Heritage Day</b>  <b>*Christmas Day</b></p>
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Revised annual Holiday Schedule will be distributed with specific dates.

**\*Regular Part-time Employees Holidays**

## **VIII. Employment Fact Sheet for Benefited Employees Maryland General Assembly Human Resources Office**

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Benefited full- and part-time employees are eligible to receive State of Maryland employee benefits if they meet the qualifications, requirements, and contingencies established by the Presiding Officers. **The member and the employee agree to accept all policies that govern the employment relationship.**

### **“At-will” Employment**

All General Assembly employees are “at-will” and serve at the pleasure of the supervising member. This employment is not considered permanent in nature. An employee may be terminated at any time without cause and without prior notice by the supervising member or the appropriate Presiding Officer. In addition, employment is contingent on the re-election, reappointment, or continued service of a supervising member.

### **Requirements/Funding**

Employees must work a regular, established bi-weekly schedule during the legislative session and the interim. To receive benefits, the hours worked must total at least 50% of the hours of a full-time employee or a minimum of 130 days on an annual basis. The supervising member must provide to the Human Resources Office an employee work schedule (session and interim). Unless the supervising member advises the Human Resources Office in writing of a change in salary, schedule, or termination of employment, the employee will be retained on the payroll at the requested salary and schedule through the end of the member’s term.

Funding approval is required in advance of employment. The Finance and Administrative Services Office commits funds from the supervising member’s account to cover the salary for the position. Once committed, these funds may not be used for any other purpose. In the case of a terminating employee, the remaining salary funds will be restored to the member’s account. For Maryland General Assembly-funded positions, approval of the Presiding Officer(s) is required.

A benefited employee may be employed by an individual member or by two or three members who all share in funding the employee’s salary from their member accounts. Therefore, when the word “member” is used in this fact sheet, it can also mean “members.”

During an election year, an employee whose member is not re-elected or chose not to return to the General Assembly may remain on the member's payroll until December 31st of the election year or may terminate or be terminated sooner, with notice to the Human Resources Office by the supervising member.

## Timesheets

Bi-weekly timesheets must be completed by the employee, approved by the supervising member, and submitted to the Human Resources Office by Wednesday following the closing date on the payroll schedule issued by the Central Payroll Bureau (CPB). Each employee is responsible for accurately completing and submitting their own timesheet to the Human Resources Office in a timely manner. Failure to do so may result in loss of leave and benefits. Misrepresentation on a timesheet of the amount of time worked is a serious matter, which may result in disciplinary or legal action.

Timesheets are manually entered into the SAP information system each pay period by the Human Resources Office/Payroll Operations. Salary checks are direct deposited and may be accessed using the Payroll Online Service Center (POSC). Leave is accumulated based on the employee's planned work time schedule. Leave reports are issued to each employee on a quarterly basis.

For Maryland General Assembly-funded employees, no additional payment is provided for time worked beyond the established schedule. If an employee is funded through a member account, the supervising member may authorize additional days of pay by initialing the day and noting on the timesheet that "additional pay is authorized." See Salary Policies, Section IV - B, Funding, in the Maryland General Assembly Personnel Guidelines for more information.

## Benefits

The Maryland General Assembly participates in the State employee and retiree health and welfare benefits program. Under this program, the State pays a portion of the health benefit cost for medical (vision), dental, and prescription plans for eligible employees. Membership in the Employees' Pension System is **optional** for legislative employees of the Senate and House of Delegates. Additional benefits may include annual, sick, personal and compensatory leave; holiday; State Employee Credit Union; and other benefits as may be provided to State employees.

## Modifications to Program

The Maryland General Assembly reserves the right to modify the Benefited Employee Program at any time. In addition, since health benefits are provided through the State of Maryland and are subject to change, the benefit program will be modified in accordance with State benefits.

## **IX. Policy Statements – Attachments**

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# **General Information: Ethics Law**

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## **WHAT IS THE PURPOSE OF THE PUBLIC ETHICS LAW?**

The Law, set forth in Md. Code Ann., General Provisions (§§ 5-101 through 5-1001), was enacted for the following purposes:

1. To assure the people of the impartiality and independent judgment of officials and employees (including State board and commission members).
2. To avoid improper influence or even the appearance of improper influence.
3. To require officials and employees to disclose financial affairs and to meet minimum standards of ethical conduct.

## **WHAT DOES THE PUBLIC ETHICS LAW ADDRESS?**

The Law addresses:

1. Definitions of terms. Title 5 Subtitle 1.
2. A State Ethics Commission to administer the Law. Title 5 Subtitle 2.
3. Advisory opinion procedures. Title 5 Subtitle 3.
4. Complaint and enforcement. Title 5 Subtitle 4.
5. Standards of conduct through conflict of interest provisions. Title 5 Subtitle 5.
6. A financial disclosure program for certain board and commission members, employees, and elected officials. Title 5 Subtitle 6.
7. A program for disclosure by and regulation of lobbyists. Title 5 Subtitle 7.
8. Requirements that local governments and boards of education (if a board of education is not covered by county ethics law) establish ethics programs. Title 5 Subtitle 8.
9. Judicial enforcement of Commission orders. Title 5 Subtitle 9.

## **WHO IS SUBJECT TO THE JURISDICTION OF THE STATE ETHICS COMMISSION?**

The following officials and employees are subject to Commission jurisdiction:

1. All employees of the Executive Branch of government.
2. All employees of the Judicial Branch of government with the exception of judges and certain judicial officers. Judges and certain judicial officers are subject to the Public Ethics Law, but for these individuals the Law is administered by the Judicial Disabilities Commission.
3. All employees of the Legislative Branch of government.
4. Elected members of the General Assembly for the purpose of annual financial disclosure but not for standards of conduct. Elected members of the General Assembly are subject to the standards of conduct provisions of the Public Ethics Law, but those provisions are administered by the Joint Ethics Committee in the General Assembly.
5. State officials, including those elected to the offices of Governor, Lt. Governor, Attorney General, Comptroller, State's Attorney, Clerk of Circuit Court, Register of Wills and Sheriff.
6. Individuals serving as members of Executive Branch boards or commissions created by or pursuant to law or regulation, or Executive Order having the force of law. Refer to Md. Code Ann., General Provisions §§ 5-103, 5-609 and 5-611 for more specific direction related to individuals identified as public officials solely because of their membership on boards or commissions.

## **Conflicts of Interest:**

### **WHAT KINDS OF ACTIVITIES ARE GOVERNED BY THE CONFLICT OF INTEREST PROVISIONS AND ADMINISTERED BY THE STATE ETHICS COMMISSION?**

The Ethics Law contains the following general types of prohibitions. Please refer to Md. Code Ann., General Provisions §§5-501 through 5-508 for the specific prohibitions.

1. An employee or official may not participate in a matter in which he or she has an interest. This prohibition also applies where an official's or employee's relatives (spouse, children, brother, sister or parents), or certain entities has/have an interest. Non-participation includes any discussion, advising or deciding of the matter and requires disclosure of the conflict.

2. An official or employee may not participate in a matter when one of the parties is a business entity in which he or she has an employment, contractual or creditor relationship. This prohibition also applies when certain relatives (spouse, children, brother, sister or parents) have such a relationship. Non-participation includes any discussion, advising or deciding of the matter and requires disclosure of the conflict.
3. An official or employee may not participate in a matter in which he or she is negotiating employment with a party to the matter. This prohibition also applies where certain relatives are negotiating employment with a party to the matter.
4. In most instances an official or employee may not have a financial interest in, or be employed by an entity subject to, the authority of the official or employee, or of the agency with which he or she is affiliated.
5. In most instances an official or employee may not have a financial interest in or be employed by an entity having or negotiating a contract with the agency with which he or she is affiliated.
6. An official or employee may not hold any employment relationship that would impair his or her impartiality or independence of judgment.
7. An official or employee may not intentionally use the prestige of his or her office for personal gain or that of another. This prohibition means an official or employee may not use any influence he/she may have to obtain a special benefit for himself/herself or another or use state resources for personal benefit or to benefit another.
8. An official or employee whose duties include matters substantially relating to the subject matter of any contract with the State may not become, while he or she is an official or employee of the State, an employee of the party contracting with the State.
9. An official or employee may not assist or represent a party for contingent compensation in any matter involving any State agency or political subdivision other than in a judicial or quasi-judicial proceeding. Additionally, judicial branch employees may not represent persons before the judicial branch even if not for contingent compensation.
10. A former official or employee may not assist or represent anyone other than the State for compensation in a case, contract or other specific matter involving the State, if that matter is one in which he or she significantly participated as an official or employee.
11. An official or employee may not solicit any gift for him or herself or for others. Subject to certain exceptions, an official or employee may not knowingly accept any gift directly or indirectly from any person whom the official or employee knows or has reason to know:
  - is doing or seeking to do business of any kind with his/her agency or department;

- is engaged in activities that are regulated or controlled by his/her agency or department;
- has financial interests that may be substantially affected in a specific way by the official or employee; or
- is a lobbyist with respect to the matters within the employee's or official's functional jurisdiction.

There are limited exceptions for certain nominal gifts addressed in Md. Code Ann., General Provisions § 5-505.

12. An official or employee may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her public position.
13. If an employee or official assists in developing specifications for a procurement, the official or employee may not be involved with the bidder, and even if the official or employee has left State service, his or her new employer may not bid on the procurement.
14. An official or employee subject to the Ethics Law may not be a lobbyist.

## **Financial Disclosure:**

### **WHAT IS FINANCIAL DISCLOSURE?**

Financial disclosure is the filing of a form with the State Ethics Commission disclosing certain employment or interests that may relate to the conflict of interest provisions of the Law. The Commission maintains a list of businesses doing business with State agencies and departments, which an official or employee may use to assist in completing financial disclosure forms and which may help evaluate potential conflict of interest situations. Md. Code Ann., General Provisions §§ 5-601 through 5-611 contain the provisions related to Financial Disclosure, and the Commission staff is available to assist persons required to file.

### **WHAT ARE SOME OF THE PURPOSES OF FINANCIAL DISCLOSURE?**

Some of the purposes are:

1. To provide the Commission, officials, employees, other agency personnel and the public access to documents disclosing possible conflicts of interests.
2. To provide access to documents that demonstrate to the public that financial interests are not hidden and that, generally, officials and employees do not have conflicts of interest.

3. To provide those who complete the form an annual opportunity to review matters that might need some attention to avoid possible conflicts of interest.
4. To assist voters in evaluating the suitability of candidates for the office they are seeking.

## **WHO HAS TO FILE DISCLOSURE STATEMENTS WITH THE COMMISSION?**

1. Members of Executive Branch boards and commissions may be required to file financial disclosure. However, the Ethics Law allows the Commission to grant an exemption if it determines that the board or commission is advisory only. Requests for exemptions must be filed with the Commission on a form provided by the Commission.
2. All State elected officials, including members of the General Assembly, are required to file disclosure statements with the Commission. Judges and judicial officers file with the Judiciary, but copies of the statements are kept on file with the Commission. Candidates for office as a State official must also file with the Commission. Candidates for local office file with local agencies.
3. Certain employees are designated under standards set in the Law to be public officials required to file financial disclosure statements. The criteria for this designation vary by branch of government and take into consideration a variety of factors, primarily the employee's salary and specific duties. You may refer to Md. Code Ann., General Provisions § 5-103 for a definition of the term "public official." The Commission also has memoranda available that specifically address the filing requirements.

## **WHEN ARE FINANCIAL DISCLOSURE STATEMENTS TO BE FILED?**

The general rules governing the timing for filing are as follows:

1. Newly appointed employees or officials file for the previous calendar year within 30 days of taking a State position that requires filing.
2. Incumbent officials and employees serving in a State position requiring filing file no later than April 30<sup>th</sup> each calendar year for the previous calendar year.
3. Officials and employees terminating service in a State position requiring filing must file for the calendar year immediately preceding (unless that statement has previously been filed) and for any portion of the current calendar year served prior to leaving, within 60 days of leaving the position.
4. State candidates must submit a statement when they file for office and by April 30<sup>th</sup> each year thereafter.

## **ARE FINANCIAL DISCLOSURE STATEMENTS AVAILABLE FOR PUBLIC INSPECTION?**

Financial disclosure statements are available for public inspection subject to two requirements:

1. Individuals wishing to examine or copy a statement must appear at the Commission office in person and register their names and home addresses and the names of the persons whose statements they wish to examine or copy.
2. A person who has a statement on file is entitled, upon request, to be notified of the name and address of anyone inspecting his or her statement.

Md. Code Ann., General Provisions § 5-606 addresses this process.

## **WHAT KIND OF INFORMATION IS INCLUDED ON THE FINANCIAL DISCLOSURE STATEMENT?**

Officials and employees are specifically required by law to disclose the following information:

1. Interests held in real property.
2. Interests in corporations, partnerships, LLP or LLC.
3. Interests in non-corporate business entities such as partnerships or sole proprietorships that do business with the State.
4. Gifts over \$20 in value or series totaling more than \$100.00 received from a person doing business with the State, regulated by the State, or registered as a lobbyist.
5. Offices, directorships, salaried employment or partnerships or similar interests in business entities that do business with the State, held by the official or employee or his or her immediate family (spouse and dependent children).
6. Debts (excluding retail credit accounts) of the filer or a member of his or her immediate family owed to persons doing business with the State.
7. Names and positions of members of the official or employee's immediate family (spouse or dependent children) who were employed by the State.
8. The name of each place of salaried employment of the official, employee or member of his immediate family, and the identification of any business entity in which the official, employee or member of his immediate family was the sole or partial owner and from which income was earned.

[www.ethics.maryland.gov](http://www.ethics.maryland.gov)

10/1/14



## Model Code of Conduct for Legislative Staff

*Written by*

*The Legislative Staff Coordinating Committee, NCSL*

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### Preamble

In recognition of the importance of staff to the mission of the legislative branch of state government and of the value of excellence and professionalism in staff performance, the National Conference of State Legislatures adopts this code as a model to guide the conduct of staff members of state legislatures in their service to the state legislature, its members and the public.

### Statement of Intent

**Section 1.** This code is intended to express an ideal for and provide guidance to all persons who serve as legislative staff members. It is also intended to be a model for adoption by each state legislature, which may modify it. The code contains no recommendations for enforcement. That is a matter for consideration by any legislative body or staff agency that adopts it or uses it as a basis for its own code.

**Section 2.** This code is intended to apply to all legislative staff members, regardless of their work assignment or responsibility. The variety of staff functions and of staffing structures within which legislative staff members serve the legislature requires that they interpret the obligations of this code from a variety of perspectives. It is particularly important whether a staff member works primarily or exclusively for an individual legislator, for a committee, for a partisan or other caucus, for a chamber, or for the whole legislative institution.

**Section 3.** This code is intended to supplement existing codes to which legislative staff members may already be subject. Obligations that staff members have under these codes, including various professional codes, are recognized and fully accepted.

**Section 4.** This code is intended to support the sense of personal responsibility that legislative staff members feel for their own actions. Reasonable people may disagree on the particulars of a code of conduct for legislative staff. The circumstances of life and work present conflicts and hard choices. Legislative staff members have the ultimate responsibility to make the day-to-day judgments necessary for this code to guide their service to the state legislature.

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## **Article I**

### **General Principles of Conduct**

#### **Public Servant**

**Section 1.** A legislative staff member is a public servant. The broad purpose of his or her work is to assist the state legislature in promoting the common good of the citizens of the state.

**Comment:** *As employees of the government, staff members have placed their talents and efforts in the service of the common good. As stewards of public resources, staff members are responsible for ensuring that these resources are used to promote the public good, not their own private good.*

#### **Loyal to the Legislative Branch**

**Section 2.** The mission of the state legislature is to represent the people in deliberating and deciding about matters affecting the common good. The mission of legislative staff members and the purpose of their public service is to support the state legislature in its mission. Any action or inaction which could bring disrepute to, or infringe upon the authority of, the legislative branch of government or the principle of representative government conflicts with this service.

**Comment:** *The word "staff" refers to an object used for support. The mission of legislative staff members is to support the state legislature in making laws and allocating public resources for the common good of the people of a state. The people of the state have delegated this power to the state legislature. Legislative staff members have an obligation to be loyal to the legislature as an institution.*

## **Trustworthy**

**Section 3.** A legislative staff member stands in a relationship of trust, confidence, and responsibility to the state legislature and has the duty to act in a way that makes him or her worthy of the trust and confidence the state legislature places in staff members.

**Comment:** *Staff members stand in a special relationship to legislators. As staff members they are entrusted with various tasks that give them an important role in the process by which decisions for the common good are made by the legislature. In performing these tasks, staff members are expected to give the legislature the full benefit of their knowledge and skills without usurping the authority to make legislative decisions, which has been exclusively delegated to legislators. To be worthy of this special relation of trust--to be trustworthy--a legislative staff member must meet certain obligations to legislators, colleagues, and the general public.*

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## **Article II**

### **Obligations of Legislative Staff Members to Legislators**

## **Honest**

**Section 1.** A trustworthy legislative staff member demonstrates the highest standards of honesty and personal integrity in all of his or her work for the state legislature.

**Comment:** *A trustworthy staff member does not steal from his or her employer by taking public property, by using public property or his or her employment for personal gain, or by failing to give full effort for pay received. A trustworthy staff member does not lie to his or her employer. Dishonesty in any aspect of a staff member's life calls into doubt his or her honesty in work and can also harm the legislature's reputation.*

## **Discreet**

**Section 2.** A trustworthy legislative staff member is discreet in what he or she reveals about work done for any legislator and, subject to the law and in accordance with custom or policy of a legislative body or agency, maintains confidentiality of communications between the staff member and any legislator.

**Comment:** *Discretion includes knowing when information is confidential and treating it as such, when carrying out a request must necessarily involve revealing some information, and when not to speak about nonconfidential matters both within and outside the legislative context. Because*

many legislative staff members work for more than one legislator, including working on a single project or piece of legislation for legislators with opposing objectives, it can be difficult to meet this obligation at times. Also, the expectations of leaders that they be kept informed can place staff members in difficult situations. To minimize these difficulties, legislatures must clarify the staff obligation to maintain confidentiality.

## **Candid**

**Section 3.** A trustworthy legislative staff member renders candid advice to legislators on matters of policy and procedure within the staff member's areas of work responsibility.

**Comment:** *Candor is the full sharing of one's knowledge, in the form of information and advice, with a legislator who needs it in order to make an informed decision. The ability of a legislator to make a good decision may be lessened if a staff member fails to give the legislator the full benefit of his or her expertise. Although the obligation to be candid is clearest when a legislator asks for information or advice, it may also apply when a staff member is not asked. Great care needs to be exercised when advice or information has not been asked for, but relevant knowledge should be offered. Once the offer is made, a staff member does not have a duty to advocate or seek another forum, unless advocacy is his or her specific responsibility. A staff member's duty to give advice and information to a particular legislator depends on who the staff member specifically works for. But regardless of this circumstance, a staff member is obliged to accurately inform any legislator of what services he or she can expect from the staff member. The obligation to be candid may give rise to tension with the obligation to be discreet, but the obligations do not contradict each other. The distinction is that in being candid a staff member gives each legislator who can request his or her services the full benefit of his or her broad disciplinary knowledge and skills; in being discreet a staff member holds communications with legislators in confidence, when appropriate.*

## **Objective**

**Section 4.** A trustworthy legislative staff member provides objective advice, information, and alternatives to legislators, independent of the staff member's personal beliefs or interests or the interests of third parties. A trustworthy staff member avoids activities that conflict with this objectivity or give the appearance of conflict.

**Comment:** *It is not expected that a staff member will have no personal beliefs regarding public policy. What is expected is that in doing his or her job, the staff member will not let those personal beliefs be limiting, but rather will be open to alternatives and committed to being comprehensive in presenting information and providing support. Certain activities can make it difficult for a staff*

*member to be objective or can give the appearance that he or she is not objective. In public service, this appearance can undermine public confidence in the legislature and compromise the effectiveness of staff members. Because it can be difficult to determine which activities give the appearance of conflicting with objectivity and reasonable people may disagree, staff members and their legislative employers have the obligation to carefully assess the effect of such activities as accepting gifts or favors from persons with an interest in the legislative process; of taking an active or leadership role in an organization which attempts to influence the legislature; and of entering into conversation about potential employment with an entity which has an interest in the legislative process. Similarly, staff members and their legislative employers must evaluate any outside employment by full-time staff members for its potential to compromise objectivity as well as to weaken diligence.*

## **Competent**

**Section 5.** A trustworthy legislative staff member strives to acquire and maintain the knowledge and skills necessary to do the work he or she is expected to do and recognizes when to seek assistance from others.

**Comment:** *To support the legislature in its mission, staff members must be competent. A staff member needs to be aware of his or her kind and degree of expertise, to be forthright with legislators about what he or she can do, to know when to seek assistance, and to take every opportunity to continue to learn.*

## **Diligent**

**Section 6.** A trustworthy legislative staff member gives a hard-working effort to each work task, uses available time in a productive and efficient manner, and completes work in the most timely fashion possible.

**Comment:** *Diligence is the application of full effort to the performance of one's work. The demands of the legislative process often make it difficult for a staff member to be as careful and thorough as he or she would like to be in completing a task. It may be appropriate to inform a legislator of the constraints of time or resources and to discuss what can reasonably be accomplished. The obligation of diligence requires that the staff member do his or her best in the time and with the resources available.*

## Fair

**Section 7.** A trustworthy legislative staff member treats all legislators with equal respect and provides services of equal quality to all legislators to whom he or she is responsible.

**Comment:** *By virtue of their office, all legislators deserve respectful and dignified treatment by all legislative staff members. All legislators who have the right to ask for and receive services from a staff member expect that a diligent effort will be forthcoming and will not be lacking due to the legislator's political or religious beliefs, race, ethnic origin, sex, or physical ability.*

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## Article III

### Obligations of Legislative Staff Members to Each Other

#### Respectful

**Section 1.** A trustworthy legislative staff member treats all fellow legislative staff members with respect and appreciates the pressures they work under and the difficulty of some of the choices they must make.

**Comment:** *Because legislative staff members are in the best position to understand the circumstances of other legislative staff members and to know the obligations they are under, they have a strong obligation to be considerate of each other.*

#### Supportive

**Section 2.** A trustworthy legislative staff member supports the efforts of fellow legislative staff members to meet their obligations and perform their work and is willing to operate as part of a team when appropriate.

**Comment:** *For a staff member to fail to support a colleague, or to work against a colleague's efforts to perform his or her work, is to lessen the ability of the staff as a whole to perform its work for the legislature. Staff members often work on opposite sides of an issue or for legislators who oppose each other, but this does not require that they seek to harm a colleague's reputation, question his or her motives, or affect the terms of his or her employment. Indeed, because staff members depend on each other for assistance and support, the obligations to be honest, discreet, candid, objective, competent, diligent, and fair apply in their relations to each other as well as in their relations to legislators.*

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## Article IV

### Obligations of Legislative Staff Members to the Public

#### Courteous

**Section 1.** A trustworthy legislative staff member is courteous to all members of the public with whom he or she interacts in his or her work.

**Comment:** *Some legislative staff members are hired to provide direct services to the public; many others will from time to time have direct contact with the public. As government employees, staff members will respect the need of members of the general public, the press, members of other governmental agencies, and lobbyists to have information about the legislature. They will, subject to legal and policy guidelines, attempt to meet that need. If a staff member does not have what is requested, he or she will help citizens find the information or assistance they seek.*

#### Law-Abiding

**Section 2.** A trustworthy legislative staff member is law-abiding. He or she encourages lawfulness in the activities of all participants in the legislative process.

**Comment:** *A legislative staff member has the same obligation as any citizen in this regard. But because of the position he or she holds as the employee of a law-making organization, the staff member is subject to a high standard of knowledge and conduct. If a staff member is directly aware of unlawful activities which involve the legislative process, it is consistent with this code for him or her to pursue appropriate channels, subject to other codes and obligations.*

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## Article V

### Staff Expectations of the Legislature

#### Supportive

**Section 1.** In placing their knowledge and skills at the service of the legislature and in committing themselves to be trustworthy servants of the legislature, legislative staff members rightfully expect that the legislature will clarify staff responsibilities and will support staff members in fulfilling their obligations under this code of conduct.



## Substance Abuse Policy

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- A. In this Policy, the following words have the meanings indicated.
- (1) “Substance” means alcohol or drugs.
  - (2) “Alcohol” means ethyl alcohol or ethanol.
  - (3) “Drugs” means any substance, including controlled dangerous substances, taken into the body, other than alcohol, which may impair one’s mental faculties, and change one’s mood and/or physical performance.
  - (4) “Abuse” means:
    - (a) any use of any illegal drug;
    - (b) intentional misuse of any over-the-counter drug, in cases where such misuse impairs job performance;
    - (c) use of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where use is not permitted;
    - (d) use of alcohol where such use impairs job performance; and
    - (e) intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.
  - (5) “Workplace” means a State owned or utilized premise for official State business.
- B. The Legislative Branch of State government establishes and adopts the following substance abuse policy:
- (1) Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the workplace.
  - (2) All employees must report to work in a fit condition to perform their duties. Reporting to work under the influence of drugs or alcohol is a violation of this policy and shall subject the employee to disciplinary action.
  - (3) All employees on official business, on or off the workplace, are prohibited from purchasing, transferring, using, or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.
  - (4) All employees must cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use.

- (5) The Legislative Branch of State government will educate and inform its employees about:
    - (a) The dangers of drug and alcohol abuse in the workplace and the community at large.
    - (b) The Legislative Branch of State government's policy of maintaining a drug-free workplace.
    - (c) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance programs that are available; and
    - (d) The penalties that may be imposed upon employees for drug and alcohol abuse violations.
  - (6) Employees will not be terminated for voluntarily seeking assistance for a substance abuse problem. However, continued unacceptable job performance, attendance and/or behavior problems shall result in disciplinary action up to and including termination.
  - (7) Any employee found to be in violation of any of the provisions of this policy may be subject to the disciplinary actions and penalties as provided in other legislative personnel policies.
  - (8) All department and unit heads and supervisors are responsible for adherence, implementation, enforcement, and monitoring of this policy.
  - (9) All employees of the Legislative Branch of State government shall be provided with a copy of this policy.
- C. The Legislative Branch of State government is committed to making good faith efforts to ensure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act, government operations, and the needs of employees to work in a drug-free environment conducive to productive and satisfying job experiences. This policy requires the cooperation and support of all employees as the General Assembly moves towards that objective.

## Maryland General Assembly Internet and Email Policy

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The General Assembly provides access to the Internet and email for its staff. **E-mail accounts are generally not provided to contractual employees.** Offices in the Annapolis complex have access through our local area network and wireless network. Members who have the Legislative Office Package may contact the Office of Information Systems to request high-speed setup for their district offices. Internet services provided in members' district offices fall under the same guidelines detailed below.

Email and the Internet are intended to be useful tools to assist members and staff in their legislative work. This policy is not intended to unnecessarily restrict use of these tools, but rather to provide a guide to appropriate use and protect the General Assembly, its members, and staff from repercussions which might stem from inappropriate use.

### Policies for Use

1. Primary use shall be for legislative purposes; that is, conducting the business of the legislature, the legislative business of its members, and the business of its staff agencies. No one may use General Assembly facilities for commercial use or for personal gain.
2. Individuals may use email and the Internet for the purpose of training, familiarization with the technology, and/or familiarization with the information resources available. This may include incidental personal use. However, any use which interferes with the operation of the General Assembly's computer systems or network or which adversely affects other users must be discontinued immediately upon notice or discovery of such effects.
3. Any intentional use which is illegal, abusive, or harassing is prohibited. Staff are expected to conduct themselves in a professional manner when using Internet resources and communicating via the Internet and email and to observe customary standards of "Netiquette." The General Assembly will maintain and distribute a compilation of guidelines and standards for its users.
4. The department applies industry standard filters that restrict access to websites that host inappropriate content. However, **users are still cautioned that they are responsible for exercising the appropriate discretion in use of sites.** Users are advised that the Department has the capability to track or monitor Internet use. Internet and email usage is subject to audit.
5. On matters reflecting Internet uses that are not covered in the above paragraphs, use of General Assembly and other State computer and communication resources will be governed by applicable existing policies concerning use of State owned and/or operated equipment, facilities, and resources and those concerning actions of members and staff.
6. Violations of this policy will be considered as personnel matters to be resolved by the individual's supervisor or supervising member in the case of legislative staff, and by the Presiding Officers in the case of members. Violation may lead to disciplinary action commensurate with the severity of the violation.

12/15/15



# Maryland General Assembly

## Anti-Harassment Policy and Procedures

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### I. Statement of General Assembly Policy

The Maryland General Assembly is committed to creating and maintaining a work environment in which all members and employees are treated with respect and are free from unlawful discrimination and harassment. It is the policy of the Maryland General Assembly that harassment based on an individual's race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, marital status, citizenship, sex, or any other characteristic protected by law is prohibited.

#### A. Workplace Harassment Prohibited

Workplace harassment means any harassment based on any characteristic protected by law and has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. While workplace harassment includes sexual harassment, sexual harassment raises issues that are to some extent unique in comparison to other types of workplace harassment and is further emphasized in section B. of this policy.

#### B. Sexual Harassment Prohibited

Sexual harassment is a form of sex discrimination that could violate federal and State law, as well as the United States and Maryland Constitutions. Sexual harassment is illegal and is in conflict with the personnel practices and public policies of the State of Maryland. Sexual harassment by a member or employee of the Maryland General Assembly is prohibited and will not be tolerated.

Sexual harassment, for the purpose of this policy, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical contact of a sexual nature when, for example:

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

Sexual harassment may include a range of subtle or overt behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; unwelcome commentary about an individual's body, commentary about an individual's sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; displaying, communicating, or distributing sexually suggestive objects, pictures, or messages in the workplace; and other physical, verbal, nonverbal or visual conduct of a sexual nature.

## **II. Scope of the Policy and Individuals Covered**

This policy applies to members, regular, full-time, part-time, temporary and contractual employees of the Maryland General Assembly, as well as interns and pages assigned to the Maryland General Assembly. In addition, this policy covers the interaction of these individuals away from the legislative complex at legislative-sponsored events, professional meetings or seminars, and those activities that involve legislative business.

## **III. Procedures for reporting, investigating and resolving harassment complaints**

### **A. Reporting complaints**

Early reporting and intervention are most effective in resolving actual or perceived incidents of harassment. Therefore, the Maryland General Assembly encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained and before offensive conduct continues or escalates.

The Maryland General Assembly encourages good faith reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been exposed to such conduct or have witnessed such conduct should discuss their concerns with the Human Resources Manager of the Department of Legislative Services, the Administrative Assistant to either Presiding Officer, the Chief of Staff or Deputy Chief of Staff for the President of the Senate, or the Chief of Staff for the Speaker of the House.

Adverse actions taken in retaliation against an individual for reporting sexual harassment or other unlawful discrimination or for participating in an investigation of a claim of harassment or discrimination constitute a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. An individual making a report shall be advised of the prohibition against retaliation at the time the individual makes the complaint. As appropriate, remedial measures will be discussed with the individual who made a report.

### **B. Investigation**

If the problem is not resolved informally to the satisfaction of the individual who made the report, the Human Resources Manager will promptly conduct an investigation of the complaint.

All information will be maintained on a confidential basis to the greatest extent possible. Only those who need to know in order to accomplish the purpose of the investigation shall be provided with the identity of the complainant and the allegations. All parties, including the complainant and the alleged harasser, contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action.

### **C. Resolution**

In order to facilitate an appropriate resolution, any complaint involving a member of the Maryland General Assembly will be promptly brought to the attention of the relevant presiding officer (either the President of the Senate or the Speaker of the House) and may be brought to the attention of the relevant minority or majority leader. For the same reason, any complaint involving an employee of the Department of Legislative Services will be promptly brought to the attention of the Department's Executive Director.

If the investigation supports a finding of a violation of this policy, prompt and effective remedial action will be taken. Responsive action may include, but is not limited to, training, referral to counseling or disciplinary action as determined to be appropriate under the circumstances. Disciplinary action for a non-legislator may include, but is not limited to, warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, termination or other punishment. For constitutional reasons, disciplinary action for a legislator may include warning, reprimand, reassignment, or other punishment in accordance with Article III, Section 19 of the Maryland Constitution.

If the investigation does not support a finding that this policy has been violated, the individual making the complaint and the individual against whom the allegation was made shall be so advised. Both will be advised that retaliation for making the complaint is prohibited.

### **D. Appeal**

If a party to a complaint does not agree with its resolution, that party may appeal to the appropriate Presiding Officer within 10 days of receiving notice about resolution of the complaint. Within 45 days, the presiding officer or designee will render a decision on the appeal.

## **IV. Policy Summary**

This policy reflects the strong commitment of the Maryland General Assembly to providing its members and employees with an environment free from unlawful discrimination, including sexual harassment, and from retaliation for exercising rights under this policy. The General Assembly is committed to investigating complaints of discrimination, harassment, and retaliation promptly and thoroughly, regardless of who brings them or against whom they are brought.

**To report violations or if you have any questions about this policy,  
see or call any of the following persons:**

**Joy Walker**

Administrative Assistant to the President of the Senate  
410-841-3700

**Victoria Gruber**

Chief of Staff, President of the Senate  
410-841-3700

**Jake Weissmann**

Deputy Chief of Staff, President of the Senate  
410-841-3700

**Alexandra Hughes**

Chief of Staff, Speaker of the House of Delegates  
410-841-3800

**Valerie Kwiatkowski**

Assistant to the Speaker of the House of Delegates  
410-841-3800

**Lori Mathis**

Human Resources Manager  
410-946-5120

Revised 12/13/16