

2009 - 2010  
Administrative and Financial Manual  
of the Senate  
State of Hawaii  
The Twenty-Fifth Legislature

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**EXHIBITS**

**TITLE 1.**  
**LEGISLATORS' SALARY, GENERAL ALLOWANCES, AND MISCELLANEOUS**  
**PROVISIONS; SENATE CONTINGENCY FUND**

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

**Chapter 1. Legislators' Salary and General Allowances**

**Sec. 1.1. Scope of chapter**

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

**Sec. 1.2. Legislators' salary.**

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

**Sec. 1.3. Legislators' annual allowance.**

Each legislator is allowed such amount as provided by statute for incidental expenses connected with legislative duties and interstate travel expenses authorized under this title and title 2. "Incidental expenses connected with legislative duties" shall include all expenditures incurred in connection with carrying out of official duties or in connection with representational activities the nature of which will assist the legislator in: (i) developing the legislator's accessibility to, and communication with, the community and constituents concerning subjects of legislation and community concerns; (ii) educating the community and constituents on matters relating to the legislature, legislative process, and subjects of legislation; and (iii) carrying out the public's expectations of a legislator's role to the community and constituents.

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

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

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

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

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

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

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

**Sec. 1.4. Non-Oahu legislators' session allowance.**

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

**Sec. 1.5. Membership on boards, commissions, committees, and other entities constituted by local, state, national or international organizations.**

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

## **Chapter 2. Miscellaneous Provisions**

**Sec. 2.1. Scope of chapter.**

This chapter contains provisions of general applicability to the members of the Senate in performing their duties and obligations.

**Sec. 2.2. Cell phone expenses; use and reimbursement.**

The use and reimbursement of cell phones to conduct official legislative business shall be governed by policies established by the Senate President that are in accordance with the applicable Internal Revenue Code and Treasury Regulations.

## **Chapter 3. Senate Contingency Fund**

**Sec. 3.1. Scope of chapter.**

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

**Sec. 3.2. Amount and purpose of fund.**

The Senate contingency fund shall not exceed \$10,000 per year. The amount of the fund shall be included in the appropriation made by the legislature for the expenses of the

Senate. The fund is to be used to cover the expenses of social occasions hosted by the Senate as a whole and other social occasions authorized by the President. "Other social occasions" include social functions and demands that the President is expected to fulfill as the presiding officer of the Senate.

**Sec. 3.3. Expenditure authorization.**

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

**Sec. 3.4. Accounting.**

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

## **Chapter 4. Forms**

**Sec. 4.1. Scope of chapter.**

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

**Sec. 4.2. Establishment and use of forms.**

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

## **TITLE 2.**

### **TRAVEL AND TRAVEL ALLOWANCES**

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

#### **Chapter 1. General Provisions**

##### **Sec. 1.1. Scope of chapter.**

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

##### **Sec. 1.2. Travel policy for interstate travel.**

It shall be the policy of the Senate that each Senator shall be entitled to one interstate round trip per calendar year with any additional trips being subject to the approval of the President and Vice President. Costs associated with the interstate trip (travel expenses, registration costs, per diem, etc.) shall be paid by the Senate and charged against the individual Senator's annual allowance established under section 24-1, Hawaii Revised Statutes, and title 1, chapter 1, section 1.3. All staff travel shall be subject to the approval of the President and Vice President.

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

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

##### **Sec. 1.3. Travel policy for intrastate travel by non-Oahu Senators during session.**

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

##### **Sec. 1.4. Travel policy for intrastate travel by non-Oahu Senators during interim.**

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

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

**Sec. 1.5. "Official legislative business" defined.**

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

**Sec. 1.6. Travel expenses payable by the Senate.**

Except as otherwise provided by the statute or in this title, all reasonable and necessary personal expenses of travel when authorized by the President of the Senate, in conducting official legislative business, are payable by the Senate. For costs associated with interstate trips (travel expenses, registration costs, per diem etc.), these costs shall be paid by the Senate and charged against the individual Senator's annual allowance established under section 24-1, Hawaii Revised Statutes, and title 1, chapter 1, section 1.3. To the extent practicable, during the interim, neighbor island legislators shall endeavor to consolidate the scheduling of meetings on Oahu so as to encourage the minimization of travel and per diem costs to the Senate.

**Sec. 1.7. Travel authorization.**

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

**Sec. 1.8. Payment of travel expenses.**

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

**Sec. 1.9. Accounting.**

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

In calculating the amount expended for lodging, meals, and other personal travel expenses, the calculation based on the amount of per diem allowed is sufficient; no detailed itemization of such expenses is required. For all other expenses, a detailed expenditure statement shall be attached to the appropriate "Statement of Completed Travel" form, supported by receipts where receipts are issued in the normal course of business. The form shall be submitted directly to the Accountant. If the travel expenses total less than the amount of any advance, the legislator or employee shall refund the difference to the Senate with the appropriate Statement of Completed Travel form.

**Sec. 1.10. Travel report.**

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

**Sec. 1.11. Maximum allowance; defined.**

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

## **Chapter 2. Transportation**

**Sec. 2.1. Scope of chapter.**

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

**Sec. 2.2. Routing.**

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

**Sec. 2.3. Air transportation.**

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

#### **Sec. 2.4. Ground transportation.**

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

#### **Sec. 2.5. Arrangements for transportation.**

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

### **Chapter 3. Per Diem Allowance**

#### **Sec. 3.1. Scope of chapter.**

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

#### **Sec. 3.2. Per diem computation.**

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

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

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

**Sec. 3.3. Multiple official legislative business.**

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

**Sec. 3.4. Senator's per diem allowance intrastate during session.**

A member of the legislature whose legal residence is on an island other than Oahu shall receive an additional allowance as provided by statute. A member of the legislature whose legal residence is on the island of Oahu and who is required to remain away from both the island of the legislator's legal residence and the island of Oahu but within the State overnight or longer while on official legislative business during a session and when authorized by the President of the Senate, shall receive an allowance equal to the maximum allowance for such expenses payable to any public officer or employee, which amount is to cover all personal expenses such as board, lodging, and incidental expenses but not travel expenses. This allowance shall be in addition to the allowance which the Senator may be entitled to receive under Sec. 1.4. of Title 1, except that the Senator shall not be entitled to this allowance while in attendance at a session of the legislature on Oahu.

**Sec. 3.5. Senator's per diem allowance intrastate during off session or during an extended recess.**

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

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

**Sec. 3.6. Senator's per diem allowance out-of-state.**

At any time during session or during the interim between sessions or during any session recess, while conducting official legislative business out-of-state and when authorized by the President of the Senate, the Senator shall be entitled to receive a per diem allowance equal to the maximum allowance for such expenses payable to any public officer or employee. For a per diem allowance associated with a Senator's interstate trip, these costs shall be paid by the Senate and charged against the individual Senator's annual allowance established under section 24-1, Hawaii Revised Statutes, and title 1, chapter 1, section 1.3.

**Sec. 3.7. Employee's per diem allowance.**

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

**Sec. 3.8. Overnight stay on island of residence.**

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

**Sec. 3.9. Lodging policy while on official legislative business.**

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

**Sec. 3.10. Reimbursement for excess lodging expenses.**

Whenever a Senator's or an employee's commercial lodging cost exceeds the applicable lodging allowance, the Senator or employee, shall be entitled to an additional amount added to the Senator's or employee's, per diem. This amount shall be equal to the difference of the actual daily cost of commercial lodging and the applicable allowance provided herein, multiplied by the number of days spent on commercial lodging. Unless otherwise waived by the Senate President, a request for commercial lodging expenses in excess of the lodging allowance shall be made in advance of the Senator's or employee's, trip. The daily allowance for commercial lodging shall be equal to the maximum allowance for such expenses payable to any public officer or employee. For excess lodging costs associated with a Senator's interstate trip (travel expenses, registration costs, per diem etc.), these costs shall be paid by the Senate and charged against the individual Senator's annual allowance established under section 24-1, Hawaii Revised Statutes, and title 1, chapter 1, section 1.3.

**Chapter 4. Mileage Reimbursement**

**Sec. 4.1. Scope of chapter.**

Senators and employees are frequently required to utilize their personal automobiles to conduct official legislative business or discharge their duties. This chapter prescribes the conditions under which Senators and employees may claim a mileage reimbursement for using their personal automobiles to conduct official legislative business or discharge their duties.

**Sec. 4.2. "Personal automobile" defined.**

The term, "personal automobile," means a vehicle owned or leased by a Senator or an employee, for the Senator's or employee's personal use. "Personal automobile" does not include a rented vehicle, taxi, or limousine.

#### **Sec. 4.3. Entitlement to mileage reimbursement.**

A Senator or employee may make a claim for mileage reimbursement from the Senate for the reasonable and necessary use of a personal automobile in the conduct of official legislative business or discharge of duties; provided that each of the following criteria are met:

- (1) There is a business connection to the travel and the expense is reasonable;
- (2) There is a reasonable accounting for the expenses; and
- (3) All excess reimbursements are repaid to the Senate within 120 days after the expense was paid or incurred by the Senator or employee.

In determining if a sufficient business connection to exists, an all facts and circumstances test is used to determine if travel is primarily for business or personal. Treas. Reg. section 1.162-2 states that the amount of time during the period of the trip which is spent on personal activity compared to the amount of time spent on activities directly relating to the taxpayer's trade or business is an important factor in determining whether the trip is primarily personal.

A reasonable accounting is met by the Senator or employee completing and submitting an accurate Mileage Log (exhibit 2.F) along with their claim for reimbursement.

Additional policies and procedures for the reimbursement of mileage costs incurred for official legislative business may be established by the Senate President in accordance with the applicable Internal Revenue Code and Treasury Regulations.

#### **Sec. 4.4. State legislator election under section 126(h) of the Internal Revenue Code.**

State legislators who live over 50 miles from the capitol may make an election under IRC section 126(h), that allows the member to make their district residence their tax home, rather than following the requirements under section 162 of the Internal Revenue Code, which requires that a state legislator's tax home is where they conduct their trade or business as a legislator, i.e. the capitol.

If the election is made and filed with the Senate, then the members will have a tax home located where their district residence is located. Thus, under a properly claimed election, a member who lives away from their district residence on legislative days will be allowed to receive mileage reimbursements without tax consequences for the miles from their non-district residence to the capitol and back to their non-district residence on legislative days. The election, if made, is for the taxable year.

To make the election, the member must submit the election in writing to the Senate. The written election shall state that the member is making an election for state legislators to have their district residence be their tax home rather than the capitol pursuant to section 126(h) of the Internal Revenue Code. The member shall state the taxable year that the election is applicable to and sign and date the written election.

#### **Sec. 4.5. Mileage reimbursement disallowed.**

No mileage reimbursement claim shall be allowed to a Senator or employee for the following uses of a personal automobile:

- (1) By a Senator or employee in driving between the Senator's or employee's place of abode (permanent or temporary) and the State Capitol, unless the member makes a proper election under section 126(h) of the Internal Revenue Code; or

- (2) By a Senator or employee in discharging any duty unrelated to the business of the Senate as a whole or of a Senate committee.

**Sec. 4.6. Authorization to use personal automobile.**

No claim for mileage reimbursement for the use of a personal automobile in the conduct of official legislative business or in the discharge of duties is allowed, unless the use of such personal automobile has first been approved by the President. If the use of a personal automobile is for the purpose of conducting official legislative business, the contemplated use of the automobile shall be included in the travel itinerary submitted on the Mileage Log. (exhibit 2.F)

**Sec. 4.7. Reimbursement amount.**

Reimbursement for the use of a personal automobile is on a mileage basis. The rate of reimbursement to a Senator or employee shall be equal to the maximum rate payable under the current federal mileage rate, as published by the Internal Revenue Service. For miles on or after July 1, 2008, through December 31, 2008, the reimbursement rate is 58.5 cents per mile. For miles on or after January 1, 2009, the reimbursement rate is 55 cents per mile.

**Sec. 4.8. Claim filing.**

All claims for reimbursement shall be filed on the Personal Automobile Mileage Voucher. In addition, each claim for mileage reimbursement shall be accompanied by a completed Mileage Log, stating the date, time, and destination of the travel, along with the business purpose and miles traveled. If the use of the personal automobile had been authorized in writing prior to its actual use, the form shall be submitted directly to the Senate accountant for settlement and payment. In all other cases, the form shall first be submitted for approval to the President before routing to the Senate accountant.

**TITLE 3.**  
**PURCHASING POLICIES AND PROCEDURES**  
**FOR THE PROCUREMENT OF GOODS AND SERVICES**

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

**Chapter 1. General Provisions**

**Sec. 1.1. Purchasing practices.**

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

**Sec. 1.2. Approval by President.**

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

**Sec. 1.3. No division of purchases.**

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

**Sec. 1.4. Purchase at lowest cost.**

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

**Chapter 2. Small Purchases**

**Sec. 2.1. Requirements and procedures.**

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

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

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

### **Chapter 3. Large Purchases**

#### **Sec. 3.1. Requirements and procedures.**

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

- (1) Purchases of goods, services, and construction of \$50,000 or greater shall utilize and follow the procedures of the State Procurement Office's Hawaii Electronic Procurement System (HEPS).
- (2) A memorandum requesting to initiate the competitive sealed bid/proposal process shall be submitted to the President for approval. No action shall be taken until the memorandum has been approved. The memorandum shall include:
  - (A) A description of the goods, services or construction to be purchased;
  - (B) Justification of the purchase;
  - (C) Cost estimates; and
  - (D) Other pertinent information (i.e., specifications, time constraints).

#### **Sec. 3.2. President's office assistance.**

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

## **Chapter 4. Other Purchases**

### **Sec. 4.1. Other purchases.**

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

### **Sec. 4.2. Emergency purchases.**

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

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

### **Sec. 4.3. Sole source purchases.**

The following identifies the requirements and procedures to purchase goods, services or construction from one vendor.

- (1) A sole source purchase may be made when there is only one source available from which to purchase goods, services or construction.
- (2) A memorandum requesting a sole source purchase shall be submitted to the President for approval, prior to purchase. The memorandum shall include:
  - (A) A description of the goods, services or construction to be purchased;
  - (B) Justification for the purchase;
  - (C) Justification for the selection of the vendor as a sole source;
  - (D) Cost estimates; and
  - (E) Other pertinent information.

- (3) Justification must be provided, in writing, to warrant approval of a sole source purchase and shall include the following:
  - (A) A description of the feature, characteristic, or capability that is unique to the particular good, service or construction being requested;
  - (B) An explanation as to why this unique feature is essential in order to accomplish the requestor's work; and
  - (C) An explanation as to why the particular good, service, or construction having the unique feature is available from only one source.
- (4) Upon approval of the request, the original memorandum shall be returned to the requestor and a copy forwarded to Supply and Accounting for processing. A copy shall also be forwarded to the President's office for filing.

**Sec. 4.4. Procurement of professional services.**

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

**Sec. 4.5. When allowed.**

The President, in consultation with the Vice President may secure professional services in the following situations:

- (1) When the desired services require professional or technical competencies beyond those possessed by the Senate staff and the legislative agencies; or
- (2) When the personnel work force of the Senate staff and the legislative agencies is insufficient or simply unavailable to perform the desired services within the time required.

**Sec. 4.6. Requirements and procedures to obtain professional services.**

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

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

## Chapter 5. Protests

### Sec. 5.1. Protest procedures.

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

- (1) Submittal of protest. A vendor who is aggrieved by a procurement decision may submit a written protest to the President. The written protest shall be submitted within five (5) working days after the aggrieved vendor knows or should have known of the unfavorable procurement decision. The written protest shall include:
    - (A) Name, address, and telephone number of the vendor;
    - (B) Appropriate identification of the procurement, such as a job number or contract number;
    - (C) Explanation of reasons for the protest; and
    - (D) Supporting and relevant exhibits, evidence, or documents to substantiate any claims.
  - (2) Upon receipt, the protest shall be time stamped by the President's office.
  - (3) Any additional information requested by any of the parties shall be submitted within ten (10) working days from the date of the request or within the time periods established by the requesting party, whichever is earlier.
    - (A) Failure to timely comply with a request for information may result in resolution of the protest without consideration of the requested information.
    - (B) Information that bears on the substance of a protest shall be made available upon written request, to any interested party. Information that is proprietary, confidential, or otherwise permitted or required to be withheld by law or rule shall not be made available.
- Persons who wish to keep information submitted by them confidential should specifically make such a request. They shall identify the information within the documents submitted and indicate so on the front page of each document that contains the information.
- (4) A written decision on a protest shall be made by the President, within a reasonable time after receipt of a proper protest and all requested information. The decision shall:
    - (A) State the reasons for the decision;
    - (B) Inform the vendor of its right to initiate an appeal; and
    - (C) Be mailed or otherwise furnished immediately to the vendor.
  - (5) Time limits for written decisions.
    - (A) The President shall issue a written decision on a claim not exceeding \$50,000 within ninety (90) days after receiving a written request for a decision;
    - (B) If a claim exceeds \$50,000 and the size and complexity of the claim requires more than the ninety days allowed for a decision, the President shall notify the vendor of the time within which the President will make the decision.

- (C) If a decision is not received within the time established, the vendor may proceed as if an adverse decision had been received.
- (6) Action on solicitation. In the event of a timely protest, no further action shall be taken on the solicitation or award unless the President makes a written determination that action on the solicitation or award should proceed without delay to protect the substantial interests of the Senate.
- (7) Reimbursement of cost. If a protest is sustained, the available remedies include, but are not limited to:
  - (A) Remedies set forth in subsection (b) and subchapter 4 of the Hawaii Administrative Rules; and
  - (B) If the vendor that should have been awarded the contract was not awarded the contract, in addition to any other relief, the Senate shall reimburse the vendor for the reasonable costs incurred by the vendor in connection with the solicitation, excluding legal fees.

**Sec. 5.2. Request for reconsideration.**

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

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

## **TITLE 4.**

### **PAYMENTS AND RECEIPTS**

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

#### **Chapter 1. Payment to Vendors**

##### **Sec. 1.1. Scope of chapter.**

This chapter prescribes the controls and procedures to be followed in making payments to vendors.

##### **Sec. 1.2. General control of warrants.**

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

##### **Sec. 1.3. Preparation of warrants and remittance advice.**

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

##### **Sec. 1.4. Review and approval for payment.**

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

##### **Sec. 1.5. Signing of warrants.**

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

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

**Sec. 1.6. Mailing of warrants and distribution of remittance advice.**

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

**Sec. 1.7. Outstanding warrants.**

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

## **Chapter 2. Payroll**

**Sec. 2.1. Scope of chapter.**

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

**Sec. 2.2. "Permanent employee" and "temporary employee" defined.**

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

**Sec. 2.3. Payroll of legislators and permanent employees.**

The following provisions shall govern the payroll of legislators and permanent employees:

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

- (3) Services of DAGS. The services of the State Department of Accounting and General Services (DAGS) shall be used for the preparation of the payroll register, which is a listing of individuals entitled to pay and the amount of gross pay, deductions, and net pay for each; preparation of the pay warrant and earnings statement for each individual listed on the payroll register; and the preparation and filing of the required payroll tax returns and forms.
- (4) Payroll change schedule. At the beginning of each pay period, DAGS furnishes the Accountant with a copy of the payroll register of the previous pay period. Any changes to the payroll for the current pay period are to be noted on the payroll register by the Accountant. The payroll register, with the changes, is known as the payroll change schedule. This schedule shall be signed by the Clerk before its submission to DAGS.
- (5) Distribution of pay warrant and earnings statement. The Accountant shall pick up the pay warrants and earnings statements on each pay day from DAGS. The Accountant shall seal the warrants in envelopes and deliver them or mail them to the appropriate employee.

**Sec. 2.4. Payroll of temporary employees.**

The following provisions shall govern the payroll of temporary employees.

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

- (6) Distribution of pay warrants and earnings statement. Individual pay warrants and earnings statements shall be sealed in the envelopes by the Accountant and delivered or mailed to the appropriate employees.

### **Chapter 3. Allowances**

#### **Sec. 3.1. Scope of chapter.**

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

#### **Sec. 3.2. General provisions.**

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

#### **Sec. 3.3. Payment process.**

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

### **Chapter 4. Receipts**

#### **Sec. 4.1. Deposit of receipts.**

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

## **TITLE 5.**

### **FINANCIAL ACCOUNTING AND REPORTING**

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

#### **Chapter 1. Financial Accounting and Reporting**

##### **Sec. 1.1. Scope of chapter.**

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

##### **Sec. 1.2. Budget format.**

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

##### **Sec. 1.3. Budgetary control.**

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

##### **Sec. 1.4. Method of accounting.**

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

##### **Sec. 1.5. Maintenance of records.**

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

##### **Sec. 1.6. Reporting.**

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

## **TITLE 6. EMPLOYEE CLASSIFICATION**

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

### **Chapter 1. Employee Classification**

#### **Sec. 1.1. Scope of chapter.**

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

#### **Sec. 1.2. Support to individual senators.**

Each Senator is authorized to appoint employees to serve as the Senator's personal staff.

##### **A. Legislative Office Manager**

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

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

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

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

##### **B. Legislative Assistant**

Duties. Under the supervision of a Senator, answers all inquiries of and provides assistance to the Senator's constituents; compiles and maintains a file on legislative measures introduced by the Senator; coordinates the Senator's public relations; maintains the Senator's appointment calendar; performs receptionist duties; maintains correspondence files; provides typing and clerical services; maintains office reference materials and personnel records of the office; controls

office equipment and supplies; handles routine inquiries from the public; and performs other duties as assigned by the Senator. A legislative assistant shall maintain confidentiality. For a majority party Senator who is a chair of a Senate standing committee, it is recommended that the Senator's Legislative Assistant also serve as the Senator's committee clerk and be able to perform the duties and meet the qualifications specified in section 1.5(A) of this chapter.

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

**C. Other Support Staff**

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

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

**Sec. 1.3. Senate majority party support staff.**

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

**A. Director**

Appointed by the President.

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

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

**B. Majority Attorney**

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

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

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

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

**C. Assistant Director/Assistant Majority Attorney**

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

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

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

In addition, the Assistant Director/Assistant Majority Attorney shall have the ability to supervise subordinates, maintain confidentiality, work effectively under pressure and meet deadlines, train and develop the skills of legislative attorneys and other staff, and write and communicate clearly, concisely, persuasively, and effectively.

**D. Attorneys**

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

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

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

**E. Researchers**

Appointed by the President in consultation with the Director.

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

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

**F. Administrative Services Manager**

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

Duties. Serves as the executive secretary to the Director. Under the supervision of the Director, assists the Director in managing the daily operations of the Senate Majority Research Office, maintains internal office records, including personnel and correspondence files; maintains reference materials and report files; conducts and maintains an inventory of office equipment and supplies; and assists the Director in coordinating the Senate's reporting requirements under the Uniform Information Practices Act. Assists the Secretarial Pool Supervisor with word processing duties. Performs other duties as may be assigned by the Director.

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

#### **G. Secretarial Pool Supervisor**

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

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

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

#### **H. Secretaries**

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

Duties. Under the supervision of the Director, primarily responsible for the Senate Majority Research Office's word processing needs with respect to correspondence, legislative documents, reports, and manuals drafted by the attorneys and researchers. Maintains the request for service log and files. Assists the Administrative Services Manager with the office equipment, supplies, and receptionist duties. Assists attorneys and researchers in performing certain ministerial research tasks.

Qualifications. The minimum qualifications of a Secretary shall include the ability to type accurately at an acceptable rate of speed, proficiency in the use of

personal computers, knowledge of office procedures and practices, and the ability to deal with a variety of secretarial tasks and solve problems as they arise.

**Sec. 1.4. Senate minority party support staff.**

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

**Sec. 1.5. Standing committees support staff.**

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

**A. Committee Clerks**

Appointed by the respective committee chairpersons.

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

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

**B. Attorneys**

Appointed by the respective committee chairpersons for the session.

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

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

### **C. Fiscal Analysts**

Appointed by the appropriate chairpersons for session.

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

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

### **D. Committee Secretaries**

Appointed by the respective committee chairpersons for the session.

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

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

### **Sec. 1.6. Senate President's staff.**

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

### **Sec. 1.7. Vice President's staff.**

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

### **Sec. 1.8. Administrative Support Staff.**

Administrative support services for the Senate are provided by permanent and session employees. Permanent employees include the Clerk, Assistant Clerk, Sergeant-At-Arms, Assistant Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Administrative Services Manager, Receptionist, Human Resources Specialist, Data Systems Manager, Program

Analysts, Accountant, Account Clerks, Document Center Manager. Session employees include such other personnel as required.

**A. Senate Clerk**

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

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

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

**B. Assistant Clerk**

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

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

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

**C. Sergeant-At-Arms**

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

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

Qualifications. Substantial knowledge of legislative operations; ability to supervise and manage other employees; proficiency in the use of personal

computers; experience and knowledge of property management practices and office procedures.

**D. Assistant Sergeant-at-Arms**

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

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

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

**E. Accountant**

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

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

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

**F. Account Clerk**

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

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

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

**G. Journal Clerk**

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

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

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

#### **H. Assistant Journal Clerk**

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

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

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

#### **I. Administrative Services Manager**

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

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

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

#### **J. Receptionist**

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

Duties. Provides general typing and clerical services; provides receptionist services and exercises good judgment in dealing with callers, visitors, other employees, members of the Legislature, and members of the public; provides general administrative office support; performs related duties as directed by the Clerk.

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

**K. Office Manager**

Permanent full-time employee appointed by the President.

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

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

**L. Engrossing Clerks**

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

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

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

**M. Data Entry Clerks**

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

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

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

**N. Human Resources Specialist**

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

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

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

**O. Data Systems Manager**

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

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

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

**P. Programmer Analyst**

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

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

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

**Q. Supply Clerk**

Permanent full-time employee appointed by the President.

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

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

**R. Document Center Manager**

Appointed by the Clerk in consultation with the President.

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

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

**S. Document Center Operators**

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

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

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

**U. Service Aides**

Session employees appointed by the Sergeant-at-Arms in consultation with the President.

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

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

## **TITLE 7.**

### **PERSONNEL ADMINISTRATION**

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

#### **Chapter 1. Staff Appointments**

##### **Sec. 1.1. Scope of chapter.**

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

##### **Sec. 1.2. Appointments, general.**

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

##### **Sec. 1.3. Staff appointments.**

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

##### **Sec. 1.4. Preparation of personnel forms.**

All new employees are required to contact the Accountant to complete the following personnel forms:

- (1) Employee's Withholding Allowance Certificate (Federal Form W-4).
- (2) Employee's Withholding Allowance and Status Certificate (State Form HW-4).
- (3) Personal History Statement (exhibit 7.B).
- (4) Form I-9, Employment Eligibility Verification (exhibit 7.C). Federal law requires that this form be completed within five days of hiring.

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

#### **Chapter 2. Hours of Work**

##### **Sec. 2.1. Scope of chapter.**

This chapter describes the typical work day and holiday schedule.

##### **Sec. 2.2. General.**

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

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

### **Sec. 2.3. Holidays.**

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

## **Chapter 3. Leaves of Absence**

### **Sec. 3.1. Scope of chapter.**

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

### **Sec. 3.2. Vacation.**

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

### **Sec. 3.3. Sick leave.**

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

### **Sec. 3.4. Funeral leave.**

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

### **Sec. 3.5. Other leaves.**

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

### **Sec. 3.6. Leave requests.**

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

### **Sec. 3.7. Leave extensions or early returns.**

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

- (l) The employee shall contact the employee's administrative superior and obtain approval, and the administrative superior shall, in writing, submit justification for such approval to the President.

- (2) Upon returning to work, the employee shall complete another form reflecting the actual days of leave taken. This request shall be marked "Amended." The amended request shall be approved by the President or the administrative assistant, if the authority to approve has been delegated, and forwarded to the Accountant.
- (3) The Accountant shall adjust the employee's leave records to reflect the change in the number of leave days taken due to an extension or early return.

**Sec. 3.8. Maintenance of leave records.**

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

## **Chapter 4. Employee Welfare**

**Sec. 4.1. Scope of chapter.**

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

**Sec. 4.2. Employee benefit programs.**

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

- (1) Retirement system (mandatory participation) - chapter 88, HRS.
- (2) Public Employees' Health Fund - chapter 87A, HRS.
- (3) Dental insurance – chapter 87A, HRS.
- (4) Prescription drug insurance – chapter 87A, HRS.
- (5) Vision insurance – chapter 87A, HRS.
- (6) Group life insurance – chapter 87A, HRS.
- (7) Premium conversion plan.
- (8) Island Flex flexible spending accounts for dependent care and medical spending.
- (9) Leave sharing program.
- (10) Credit union.
- (11) U.S. savings bonds payroll deduction plan.
- (12) Deferred compensation plan - chapter 88D, HRS.

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

## **Chapter 5. Termination**

**Sec. 5.1. Scope of chapter.**

This chapter establishes the process of employment termination with the Senate.

**Sec. 5.2. Involuntary termination.**

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

**Sec. 5.3. Voluntary termination.**

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

**Sec. 5.4. Reporting of staff termination.**

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

**Sec. 5.5. Disposition of employee benefits-permanent employees.**

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

**Sec. 5.6. Reemployment of terminated employees.**

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

## **Chapter 6. Code of Conduct**

**Sec. 6.1. Scope of chapter.**

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

**Sec. 6.2. Confidential and privileged information.**

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

## **Chapter 7. Interns and Volunteers**

### **Sec. 7.1. Appointment and use of interns.**

No Senator shall appoint, employ, or utilize the services of a private sector intern in the course of performing the Senator's legislative duties. A senator may utilize the services of an intern who is appointed by nature of the intern's participation in an internship program established by a private or public secondary or post-secondary educational institution.

Before engaging the services of an intern, a Senator shall obtain prior approval of the Senate President using the "Intern/Volunteer Working Policy" form (exhibit 7.E). Prior to allowing an intern to provide services to the Senator, the Senator shall obtain an executed copy of the "Conflict of Interest Disclosure" form (exhibit 7.F), and an executed copy of the "Intern/Volunteer Registration" form (exhibit 7.G). Copies of these completed forms shall be filed with the Senate President.

For the purposes of this section, "private sector intern" means a person who is employed by a private sector business or entity who is assigned or directed by the private sector business entity to report to a Senator and be physically situated within a Senator's office or staff room while the Legislature is in session or in the interim period between sessions for any duration of time; provided that the term "private sector intern" shall not apply to persons who act as a legislative shadow as part of an educational or experiential program that provides a person with the opportunity to observe the legislative process or the duties of a legislator.

### **Sec. 7.2. Appointment of volunteers.**

No Senator shall appoint or utilize the services of a volunteer in the course of performing the Senator's legislative duties unless the volunteer agrees to abide by the requirements of this chapter. A Senator may appoint or utilize the services of a volunteer who has completed the forms required under this section and who has been approved by the Senate President.

Prior to engaging the services of a volunteer, a Senator shall obtain prior approval of the Senate President using the "Intern/Volunteer Working Policy" form (exhibit 7.E). Prior to allowing a volunteer to provide services to the Senator, the Senator shall obtain an executed copy of the "Conflict of Interest Disclosure" form (exhibit 7.F), and an executed copy of the "Intern/Volunteer Registration" form (exhibit 7.G). Copies of these completed forms shall be filed with the Senate President.

For the purposes of this section, "volunteer" means a person who reports to a Senator and provides services to the Senator during a legislative session or in the interim period between sessions for any duration of time and for no compensation or other consideration and who is physically situated within a Senator's office or staff room while providing such services; provided that the term "volunteer" shall not apply to persons who act as a legislative shadow as part of an educational or experiential program that provides a person with the opportunity to observe the legislative process or the duties of a legislator.

### **Sec. 7.3. Rules applicable to interns and volunteers.**

All persons, including interns and volunteers, present in Senate offices and participating in the work of the Senate shall at all times adhere to the Rules of Senate, the Senate Legislative Procedures Manual, the Administrative and Financial Manual of the Senate, and the Code of Ethics (sections 84-11 to 84-19, HRS). Although interns and volunteers are not employees of the Senate, they shall be subject to the same rules and policies, including rules governing conflict of interest and confidentiality, as employees who are similarly situated.

**Sec. 7.4. Documentation.**

All interns and volunteers shall be given a copy of the Senate's policies regarding harassment, discrimination, and use of technology as well as a copy of the Code of Ethics (sections 81-11 to 84-49, HRS) on the first day of their service as an intern or volunteer. All interns and volunteers shall acknowledge receipt and understanding of these policies by signing an acknowledgement form which shall be filed with the Senate President.

## **TITLE 8.**

### **PROPERTY CONTROL**

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

#### **Chapter 1. Equipment and Furnishings**

##### **Sec. 1.1. Scope of chapter.**

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

##### **Sec. 1.2. Inventory records and reports.**

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

##### **Sec. 1.3. Identification tag.**

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

##### **Sec. 1.4. Disposals and transfers.**

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

**Sec. 1.5. Care and safeguard.**

Legislators, committee chairpersons, and administrative superiors are responsible for the proper care and safeguard of all Senate equipment and furnishings located in offices under their control. These individuals are expected to exercise the necessary precautions to prevent or minimize the occurrence of theft, burglary, loss, destruction, or unauthorized use of Senate property. The Clerk shall provide legislators, committee chairpersons, and administrative superiors with a list of all equipment and furnishings under their control and they shall sign such list as acknowledgement of custody. Should any item be discovered to be missing, the Clerk is to be notified immediately. A report on the missing item shall be made to the President and the Clerk. The report shall include, at a minimum, the description of and the office where the item was located and an explanation of the circumstances surrounding the loss of the item.

**Sec. 1.6. Equipment maintenance and repair.**

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

**Sec. 1.7. Physical count.**

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

**Sec. 1.8. Leased equipment and furnishings.**

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

**Sec. 1.9. Delegation by Clerk.**

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

**Sec. 1.10. Use of privately owned licensed computer software and hardware.**

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

## **Chapter 2. Office Supplies and Copying Machines**

**Sec. 2.1. Scope of chapter.**

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

**Sec. 2.2. General.**

Office supplies and the use of copying machines are items which cannot be subjected to exact controls. This is because usage requirements may vary from legislator to legislator and from committee to committee. The use of supplies and copying machines shall be limited to purposes pursuant to the business of the Senate, a Senate committee, or the business of a

legislator reasonably related to the legislator's exercise of the legislative functions. Office supplies and copying machines shall not be used by a legislator for:

- (1) Matters and activities related to election campaigns;
- (2) General correspondence;
- (3) Distribution of materials to the public for survey purposes;
- (4) Materials advocating a particular position or an issue before the legislature; and
- (5) Personal use.

The use of copying machines in the second floor copying room and the Sergeant-at-Arms office by Senators and their staff shall be limited to 100,000 copies per office, per year. Use of copying machines shall relate directly to legislative business. Copying of newsletters is permitted and may be performed by the Senate Document Center. Copies of newsletters, by page, will be counted against a members' copy allocation. Any copies made in excess of these limits shall be charged against the Senator's annual allowance under Title 1, section 1.3. The President and Vice President may jointly waive the assessment of any copying overages against a Senator's legislative allowance; provided that the Senator provides written justification for the overage and the President and Vice President approve. The Clerk's office shall report monthly totals on a monthly basis to the President and Vice President.

### **Sec. 2.3. Supply room.**

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

## **Chapter 3. Document Center**

### **Sec. 3.1. Scope of chapter.**

This chapter contains the policies and procedures relating to the control of Document Center supplies and printing and distribution of bills from the Document Center.

### **Sec. 3.2. Document center supplies.**

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

### **Sec. 3.3. Printing and distribution of bills.**

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

**Sec. 3.4. Bulk printing.**

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

**Sec. 3.5. Record of all matters printed.**

The Document Center Manager shall maintain a record of all matters printed.

**Chapter 4. Telephones**

**Sec. 4.1. Scope of chapter.**

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

**Sec. 4.2. Inter-island calls.**

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

**Sec. 4.3. Out-of-state calls.**

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

**Chapter 5. Use of Computer Equipment**

**Sec. 5.1. Scope of chapter.**

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

**Sec. 5.2. Policy.**

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

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

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

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

All members and staff shall comply with the Senate Computer and Technology Use Policy (exhibit 8.E) and Senate Technology Use Guidelines (exhibit 8.F), and sign the Acknowledgment (exhibit 8.G). Members and staff who are issued laptop computers shall sign and comply with the Senate Laptop Computer Use Agreement (exhibit 8.H).

## **Chapter 6. Use of the Legislative Website and Senate and Related Websites and Webpages**

### **Sec. 6.1. Scope of chapter.**

This chapter establishes policies and practices relating to the use, protection, and content of the Legislative website, Senate webpages, and related websites and webpages maintained by Committees and individual Senators.

### **Sec. 6.2. Senate websites.**

The official Hawaii State Legislature's website, including the official Senate webpages, is established and maintained by the Legislature is located at *www.capitol.hawaii.gov*. In addition, the Senate may also establish individual websites and webpages for each Senator and subject matter committee which are accessible by links from the official Senate webpages. Upon accessing a link to a website or webpage for each Senator and subject matter committee, the user shall be advised that they are leaving the official Legislature's website.

The official Legislature's website, including the Senate webpages, Senators' websites, and subject matter committees' websites shall hereinafter be collectively referred to as the "Senate websites."

### **Sec. 6.3. Policy for online content of the Senate websites.**

The Hawaii State Senate, charged with the Constitutional duty of making state laws, must serve as a model of compliance with state and federal laws. Senate employees are therefore advised to exercise caution in their usage of the Senate websites and the online content of those websites.

The online content of the official Legislature's website shall be subject to the approval of the Senate Clerk. The online content of the official Legislature's website shall, in general, be limited to official Senate and legislative documents filed with the Senate Clerk's office. Other material may be posted on the official Legislature's website only with the prior written consent of the Senate President's office.

The online content of each Senator's individual websites shall be maintained by the individual Senator's offices and the online content of each subject matter committee's websites shall be maintained by the committee's staff, subject to the approval of the committee chair. The online content of Senators' individual websites and subject matter committee websites shall be subject to the following Senate administrative policies:

- (1) The online content may include any official Senate or legislative document which is filed with the Senate Clerk's office; and
- (2) The online content may include other documents, material, or information that directly further the performance of the official duties of the Senator or subject matter committee;

The Senate Clerk may administratively prohibit any document, material, or information from being posted on a Senator's or subject matter committee's website based on the following policies:

- (1) The online content shall be in good taste and shall not reflect negatively or inappropriately upon the Hawaii State Senate, any Senator, subject matter committee, officer, staff, or office of the Senate;
- (2) The online content may not include any document, material, or information, the posting of which would violate any state or federal law, ordinance, or rule;
- (3) The online content may not include any document, material, or information which is not directly related to the duties of the office of the Senator or the appropriate subject matter committee;
- (4) The online content may not include any document, material, or information, the posting of which would violate the substantive rights of any individual or entity; and
- (5) Any document, material, or information which is administratively prohibited from being posted by the Senate Clerk as a result of the foregoing enumerated policies may only be posted on the Senate websites with the prior written consent of the Senate President's office.

In the event that the Senate President's office shall not provide written consent for the posting of a document, material, or information, the submitting Senator or subject matter committee chair may appeal that decision in writing addressed to the Senate President. Upon receipt of an such an appeal, the Senate President shall form a panel of three (3) Senator's to review the submitted document, material, or information and determine the appropriateness of that document, material, or information being posted on a Senate website. The written decision of the review panel shall be binding and shall not be subject to any further challenge.

## **Chapter 7. Postage**

### **Sec. 7.1. Scope of chapter.**

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

### **Sec. 7.2. Public funds for postage and mailing.**

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

### **Sec. 7.3. Accounting.**

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

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

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

**Sec. 7.4. Approval of President.**

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

**Sec. 7.5. Postage machine.**

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

## **TITLE 9.**

### **UTILIZATION OF PHYSICAL FACILITIES**

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

#### **Chapter 1. Parking**

##### **Sec. 1.1. General.**

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

##### **Sec. 1.2. Legislators.**

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

##### **Sec. 1.3. Employees.**

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

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

#### **Chapter 2. Legislator's Office and Telephone**

##### **Sec. 2.1. Legislator's office.**

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

##### **Sec. 2.2. Telephone.**

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

#### **Chapter 3. Copying Machines for Public Use**

##### **Sec. 3.1. Public use.**

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

## **Chapter 4. Conference Rooms**

### **Sec. 4.1. Assignment of conference rooms.**

Conference rooms shall be assigned by the President or the President's assigned designee.

## **TITLE 10. HARASSMENT POLICY**

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

### **Chapter 1. Harassment Policy**

#### **Sec. 1.1. Policy.**

It shall be the policy of the Hawaii State Senate to:

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

#### **Sec. 1.2. Duties and Responsibilities.**

It shall be the duty of every member and employee of the Senate to:

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

#### **Sec. 1.3. Definitions.**

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

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

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

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

The following behaviors consist of sexual harassment:

- A. Submission to the conduct is made either implicitly or explicitly a term or condition of employment.
- B. Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual.  
A and B are examples of quid pro quo forms of sexual harassment. Quid pro quo is a situation where the employee is asked for sexual favors in return for something given the member or employee.
- C. The conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

C is an example of a hostile work environment.

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

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

#### **Sec. 1.4. Resolution process for harassment complaints.**

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

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

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

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

members shall be subject to the procedures and punishments outlined in the Rules of the Senate, Part IX, Rule 72.

**Sec. 1.5. Other remedies not precluded.**

No disciplinary action taken by the Senate shall preclude the aggrieved employee or member from seeking other remedies.

# **TITLE 11.**

## **ETHICS CODE**

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

### **Chapter 1. Ethics Code**

#### **Sec. 1.1. Findings and declarations; purpose of code.**

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

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

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

#### **Sec. 1.2. Gifts.**

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

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

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

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

The gifts disclosure statement shall contain the following information:

- (1) A description of the gift;
- (2) A good-faith estimate of the value of the gift;
- (3) The date the gift was received; and
- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

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

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

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

**Sec. 1.3. Gifts received on behalf of the Senate.**

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

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

**Sec. 1.4. Nepotism.**

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

"Close relative" means:

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

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

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

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

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

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

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

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

#### **Sec. 1.5. Staff hiring.**

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

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

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

Officers and employees of the Senate shall not be required:

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

**Sec. 1.6. Conflict of interest.**

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

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

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

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

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

**Sec. 1.7. Violations of law.**

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

**TITLE 12.**  
**ACCESSIBILITY FOR PERSONS WITH DISABILITIES (ADA)**

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

**Chapter 1. ADA Compliance Coordinator**

**Sec. 1.1. Scope of chapter.**

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

**Sec. 1.2. Designation of ADA Compliance Coordinator.**

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

**Sec. 1.3. Duties and responsibilities.**

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

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

**Chapter 2. Notice of ADA Requirements**

**Sec. 2.1. Posting of the notice.**

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

**Sec. 2.2. Notice requirements.**

The notice shall contain the following minimum information:

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

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

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

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

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

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

### **Chapter 3. Policy on Effective Communication**

#### **Sec. 3.1. Scope of chapter.**

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

#### **Sec. 3.2. Aids and services.**

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

### **Chapter 4. Grievance Procedure**

#### **Sec. 4.1. Scope of chapter.**

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

#### **Sec. 4.2. Grievance procedure.**

The grievance procedure is as follows:

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

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

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

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

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

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

# Hawaii State Senate



1

## Travel and Per Diem

The travel policy of the Senate is contained in *Title 2. Travel and Travel Allowances*, of the 2009-2010 Administrative and Financial Manual of the Senate, State of Hawaii, The Twenty-Fifth Legislature, Adopted \_\_\_\_\_.

## Travel and Per Diem Request Authorization Form

Name of Senator:		
For Staff:	Name of Requestor:	
	Senator Concurring in Request:	
Purpose of Travel: <small>(Sec. 1.2 and 1.5)</small>	<input type="checkbox"/> Conference/ Seminar	Topic:
	<input type="checkbox"/> Meeting	Name of Organization: Position Held:
	<input type="checkbox"/> Other	Please explain the benefits to the Senate:
Date of Travel: <small>(Sec. 2.1 and 2.2)</small>	Departure Date:	
	Return Date:	
Itinerary:	<input type="checkbox"/> Attached	
	<input type="checkbox"/> Not Attached	[Please explain here]
NOTE: If your departure time and return time are more than 36 hours from the beginning or ending of the event itinerary, please explain. (Sec. 2.2)		

<sup>1</sup> Pursuant to *Title 1, Section 3.1* this form may be revised. To ensure the correct form is being used, please use the template provided under the Senate Portal for each use.

# Hawaii State Senate



<b>I am seeking from the Senate:</b>	
<input type="checkbox"/>	Roundtrip airfare in the amount of \$ _____ (Sec. 2.3)
<input type="checkbox"/>	Request direct payment to: _____ (Sec. 1.8 and 2.5)
<input type="checkbox"/>	Registration fee in the amount of \$ _____
<input type="checkbox"/>	Per Diem. Total Per Diem days, including travel days.
<input type="checkbox"/>	Per Diem. Total Per Diem days, including travel days.
Per diem for travel days will be calculated based on time of departure and time of return. (Sec. 3.1)	
<input type="checkbox"/>	Excess Lodging (Sec 3.10)
Cost of room:	\$ _____
<input type="checkbox"/>	Other expenses
	Ground Transportation in the amount of \$ _____ (Sec. 2.4 and 2.5)
	Please explain:
I will be receiving a	
<input type="checkbox"/>	Stipend in the amount of \$ _____
<input type="checkbox"/>	Scholarship in the amount of \$ _____
<input type="checkbox"/>	Other Please explain:
Approved out-of-State trips for the calendar year: [Type number of trips here]	
Paid for by:	Senate
	Other
All reports for previously approved and completed travel submitted: (sec. 1.10)	
<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
Approved inter-island trips for the calendar year: <sup>2</sup> [Type number of trips here]	
Paid for by:	Senate
	Other
Signature of Requestor:	_____

<sup>2</sup> This excludes neighbor island Senator's trip between Oahu and their home islands.

# Hawaii State Senate



<b>For Senate President Only</b>	
Name of Senator:	
For Staff:	<b>Name of Requestor:</b>
	<b>Senator Concurring in Request:</b>
Signature:	
Date:	

<b>For Accounting Only</b>			
Confirmation No (s):			
Airlines:			
Received by:			
Received Date:			
P.O. No. :			
Issued To:			
Vendor Paid On:		\$	<b>Advice No.:</b>
Room Deposit Paid on:		\$	<b>Advice No.:</b>
<b>Excess Lodging</b>			
Car Rental:		\$	<b>Advice No.:</b>
Registration Fee Paid on		\$	<b>Advice No.:</b>
PerDiem Paid on:		\$	<b>Advice No.:</b>

# Hawaii State Senate



Statement of Inter-Island Completed Travel			
Name of Senator/Employee:			
Today's Date:			
This is to certify I traveled from [Type location] to [Type location] on official business.			
Date of Departure:		Time:	AM/PM
Date of Return:		Time:	AM/PM
Purpose of Travel:			
This travel was authorized by the Senate President dated:			
Purchase Order Number:			
Total days per diem authorized:			
Confirmation Number(s):			
Airlines:			
Date:			
Signature of Claimant:			
Approved by the Clerk of the Senate:			
Official Use Only			
Date Paid:			
Advice Number:			
P.O. Number			
Amount Paid:			

# Hawaii State Senate



<b>Form Guidelines</b>			
<ol style="list-style-type: none"> <li><b>Please complete form and return to the Sen. Accounting Office.</b></li> <li><b>Please submit Travel report to the Senate President's Office.</b></li> </ol>			
<b>Statement of Out of State Completed Travel Form</b>			
Name of Senator/Employee:			Today's Date:
This is to certify I traveled from _____ to _____ on official business.			
Date of Departure:		Time:	AM/PM
Date of Return:		Time:	AM/PM
Purpose of Travel:			
<b>This travel was authorized by the Senate President dated:</b>			
Purchase Order Number:			
Total days per diem authorized:			
<b>Computation of Per Diem:</b>			
<i>(To be computed without the inclusion of any trips/days/times that may be taken and of a personal nature)</i>			
Departure Time: (beginning of official legislative business)	Return Time: (ending of official legislative business)	Amount	
Choose an item.	Choose an item.		
Number of days [Type number of days here] between departure and return dates. \$145.00			
		<b>TOTAL PER DIEM:</b>	
		<b>WARRANT ADVANCED BY SENATE:</b>	
Allowable Per Diem Expenses	<b>DUE SENATE/ME:</b>		
Date:			
Warrant Number:			
Advice Number:			
<b>Reimbursement by Senator/Employee</b>			
Check Number:			
Date:			
<b>Deposited with B &amp; F</b>			
Date:			
Social Security Number:			
Depository Number:			
Signature of Senate Clerk:			

# Hawaii State Senate



## INTERIM / EXTENDED RECESS PER DIEM ATTENDANCE FORM

(Please indicate the dates for which official legislative business was conducted and fill in description.

For neighbor island Senators, please indicate whether you were on Oahu or on your home island. Submit to the Senate President's Office for approval. For the five day mandatory recess, please submit within three business days after the last day of the recess.)

I hereby certify that I was present on the following interim/extended recess days to attend to official legislative business:

Date	Oahu	Home Island	Description of Legislative Business

<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED	
--------------------------	----------	--------------------------	-------------	--

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Signature of Chief Clerk	Date
--------------------------	------

Exhibit 4.A

REMITTANCE ADVICE

TO: STATE OF HAWAII  
FROM: STATE OF HAWAII  
THE SENATE

REPORT NO. \_\_\_\_\_  
PAGE NO. \_\_\_\_\_ OF \_\_\_\_\_

THE FOLLOWING WARRANTS WERE ISSUED TO	DATE	WARRANT NO.	AMOUNT
PREPARED BY _____		TOTAL	
APPROVED BY _____			

# Hawaii State Senate



## SESSION EMPLOYEES PAYROLL AUTHORIZATION

Office:

Pay Period:

### NAMES OF SESSION EMPLOYEES:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

NOTES:

**I hereby authorize that the employees listed above are entitled to their full salaries for the pay period indicated.**

SENATOR/DIRECTOR/  
AUTHORIZED SIGNATURE:

Completed forms are due to the Senate Accounting Office (Room 006) by 4:00 p.m. on the 15<sup>th</sup> and last day of each month. If these dates are nonwork days, please submit the forms on the last working day preceding these deadlines.

Pay periods end on the 15<sup>th</sup> and last day of each month and paydays are on the 5<sup>th</sup> and 20<sup>th</sup> of each month following the pay period. If the payday falls on a non-work day, employees will be paid on the last working day preceding the non-work day.

Exhibit 5.A

THE SENATE  
STATE OF HAWAII

**GENERAL OPERATING BUDGET**

**YEAR:** \_\_\_\_\_

**PERSONNEL**

Session Employees \$ \_\_\_\_\_  
Regular Employees \$ \_\_\_\_\_

**LEGISLATIVE ALLOWANCE** \$ \_\_\_\_\_

**TRAVEL**

Intra-State \$ \_\_\_\_\_  
Out-Of-State \$ \_\_\_\_\_

**PER DIEM**

Session \$ \_\_\_\_\_  
Intra-State \$ \_\_\_\_\_  
Out-Of-State \$ \_\_\_\_\_

**SUPPLIES** \$ \_\_\_\_\_

**COMMUNICATIONS**

Postage \$ \_\_\_\_\_  
Telephone \$ \_\_\_\_\_

**EQUIPMENT**

Leases \$ \_\_\_\_\_  
Repairs \$ \_\_\_\_\_  
Maintenance \$ \_\_\_\_\_  
Purchase \$ \_\_\_\_\_

**OTHER**

NCSL Dues \$ \_\_\_\_\_  
Dues & Subscriptions \$ \_\_\_\_\_  
Registration Fees/Training \$ \_\_\_\_\_  
Advertisement \$ \_\_\_\_\_  
Miscellaneous \$ \_\_\_\_\_

**PROFESSIONAL SERVICES** \$ \_\_\_\_\_

**PRINTING JOURNAL** \$ \_\_\_\_\_

**CONTINGENCY FUND** \$ \_\_\_\_\_

**TOTAL** \$ \_\_\_\_\_

Exhibit 7.A

\_\_\_\_\_  
(Date of Hire)

Clerk of the Senate  
State Capitol, Room 010  
Honolulu, HI 96813

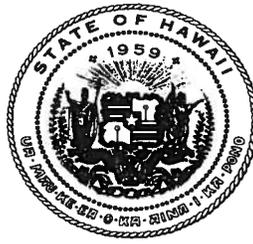
I have on this day appointed \_\_\_\_\_  
(name)

as \_\_\_\_\_ at a salary of \_\_\_\_\_ per month.  
(position title)

\_\_\_\_\_  
Hiring Authority

- Full time – Permanent
- Full time – Session
- Part time – Session (minimum 20 hours per week)
- PTS – Session (less than 20 hours per week)

Exhibit 7.B



## Hawai'i Senate Personal History Statement

### Employee Information

#### Personal Information

Full Name: \_\_\_\_\_  
*Last* \_\_\_\_\_ *First* \_\_\_\_\_ *M.I.* \_\_\_\_\_

Address: \_\_\_\_\_  
*Street Address* \_\_\_\_\_ *Apartment/Unit #* \_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *ZIP Code* \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Alternate Phone: ( ) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

#### Job Information

Title: \_\_\_\_\_ Start Date: \_\_\_\_\_

Senator/Director: \_\_\_\_\_ Department: \_\_\_\_\_

Are you RETIRED from the STATE or CITY AND COUNTY?  YES  NO

#### Emergency Contact Information

Name (Primary): \_\_\_\_\_  
*Last* \_\_\_\_\_ *First* \_\_\_\_\_ *M.I.* \_\_\_\_\_

Address: \_\_\_\_\_  
*Street Address* \_\_\_\_\_ *Apartment/Unit #* \_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *ZIP Code* \_\_\_\_\_

Primary Phone: ( ) \_\_\_\_\_ Other Phone: ( ) \_\_\_\_\_

Relationship: \_\_\_\_\_

Name (Alternate): \_\_\_\_\_  
*Last* \_\_\_\_\_ *First* \_\_\_\_\_ *M.I.* \_\_\_\_\_

Address: \_\_\_\_\_  
*Street Address* \_\_\_\_\_ *Apartment/Unit #* \_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *ZIP Code* \_\_\_\_\_

Primary Phone: ( ) \_\_\_\_\_ Other Phone: ( ) \_\_\_\_\_

Relationship: \_\_\_\_\_

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Form I-9, Employment  
Eligibility Verification**

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification.** To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

**I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.**

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen or national of the United States
- A lawful permanent resident (Alien #) A \_\_\_\_\_
- An alien authorized to work until \_\_\_\_\_  
(Alien # or Admission #) \_\_\_\_\_

Employee's Signature	Date (month/day/year)
----------------------	-----------------------

**Preparer and/or Translator Certification.** (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

**Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____	OR	_____	_____	_____
Issuing authority: _____		_____	_____	_____
Document #: _____		_____	_____	_____
Expiration Date (if any): _____		_____	_____	_____
Document #: _____		_____	_____	_____
Expiration Date (if any): _____	_____	_____	_____	_____

**CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)**

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

**Section 3. Updating and Reverification.** To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
-----------------------------	--

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.

Document Title: \_\_\_\_\_ Document #: \_\_\_\_\_ Expiration Date (if any): \_\_\_\_\_

**I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.**

Signature of Employer or Authorized Representative	Date (month/day/year)
--	-----------------------

# Hawaii State Senate



<b>Application for Leave of Absence</b>		
Today's Date:		
<p>I, _____ (Name) _____, apply for a leave of absence as follows:</p> <p>a. WITH PAY, charged to <u> (type of leave) </u> of _____ working hours/days for the calendar period from _____ (date) _____ to _____ (date) _____.</p> <p>b. WITH PAY, charged to <u> (type of leave) </u> of _____ working hours/days for the calendar period from _____ (date) _____ to _____ (date) _____.</p>		
Signature of Employee		Date
Approval Recommended:		
Signature of Supervisor		Date
Approval Granted:		
Signature of Department Head		Date

# *Hawaii State Senate*



## **Intern/Volunteer Working Policy**

Senator/ Agency Head acknowledges the responsibility:

1. To provide an orientation to the intern or volunteer regarding the Senator's/ Agency's office and operations;
2. To assign a supervisor to the intern or volunteer who will be responsible for training, supervision, and evaluation of the volunteer;
3. To specify the duties and responsibilities of the volunteer;
4. To evaluate the volunteer's performance on a regular basis;
5. To accept the volunteer as part of the office team;
6. To ensure that the volunteer complies with the Rules of the Senate, the Senate Legislative Procedures Manual and the Code of Ethics (H.R.S. §84-11 to 84-19), and to enforce compliance by appropriate means including dismissal where warranted; and
7. To provide the volunteer with appropriate recognition for the volunteer's services and to provide letters of recommendation when requested and warranted by the volunteer's performance.

Intern/Volunteer acknowledges that the intern/volunteer is expected:

1. To work a specified number of hours or to notify the supervisor in advance if unable to work;
2. To be prompt and reliable in reporting to work;
3. To follow guidelines and policies established by the Senator/ Agency, to honor confidentiality of information, avoid even the appearance of conflict of interest, and at all times to comply with the Code of Ethics (H.R.S. §84-11 to 84-19) ;
4. To comply with the Rules of the Senate, the Senate Legislative Procedures Manual, and the Code of Ethics (H.R.S. §84-11 to 84-19).
5. To perform duties specified by the supervisor without receipt of monetary compensation; and
6. To accept the Senator/ Agency's right to dismiss any intern/volunteer when the intern/volunteer is no longer needed; for violating the Rules of the Senate, Administrative and Financial Manual of the Senate, Senate Legislative Procedures Manual, or Code of Ethics; or for inadequate performance of duties, including poor attendance.

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# Hawaii State Senate

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We acknowledge that we have read and understand these policies of the Senate.

Print Name of Senator	Signature of Senator	Date
Print Name of Intern/Volunteer	Signature of Intern/Volunteer	Date
<b>Intern/Volunteer Service Acknowledged:</b>		
Signature of Senate President		Date

# Hawaii State Senate



## Conflict of Interest Disclosure Form

Name:

Date:

Office / Agency:

Supervisor:

In order to avoid even the appearance of impropriety, you must complete this form and return it to your supervisor on the first day of your internship or volunteer service. Your supervisor will review this form and file it with the Senate President. This form is confidential and will be seen only by your supervisor and the Senate President. If any information on this form suggests that a potential conflict exists, your supervisor will address the potential conflict with you and the Senate President. The Senate President shall have final discretionary authority to determine whether a conflict of interest exists and how that conflict impacts your ability to serve as an intern or volunteer with the Senate.

1. Present and previous legislative or political work experience (include both paid and unpaid experience)

Legislature / Congress

[Type Legislative Body here]

[Type dates (month/year) here]

State or Federal Agency

[Type name of agency here]

[Type dates (month/year) here]

Private Entity (include lobbying groups, consultants, law firms, advocacy organizations, or other private enterprises that engage in legislative advocacy)

[Type name of firm here]

[Type dates (month/year) here]

2. Have you ever been required to file a financial disclosure form under H.R.S. §84-17?

If yes, please list the position which required the disclosure form and the date of the filing.

[Type position here]

[Type dates (month/year) here]

3. Have you ever worked, or do you anticipate working in the coming year, in a representational or agency capacity for any person or business in matters before a federal, state or county agency?

If yes, please describe briefly, including name of principal, agency and date.

[Type Principal here]

[Type agency here]

[Type dates (month/year) here]

4.	Are you or any member of your family currently or potentially a party to any civil, criminal, or administrative process that might be perceived as a conflict of interest in the context of this internship or volunteer placement? If yes, please describe briefly.	
5.	Do you or any member of your family currently or potentially have a financial interest (including employment) or ownership interest in any property or commercial enterprise that might be perceived as a conflict of interest in the context of this internship or volunteer placement? If yes, please describe briefly, including names of people, property, or enterprise involved.	
6.	Are you related by blood, marriage, adoption, or hanai relationship to any currently serving elected or appointed official in Hawaii? If yes, please list those individuals and their current elected or appointed office	
	[Type name here]	[Type office here]
7.	Are you currently or have you previously been required to register as a lobbyist under chapter 97, H.R.S ? If yes, please list the names of all clients and dates of registration.	
	[Type name here]	[Type dates (month/year) here]
	[Type name here]	
8.	Are you related by blood, marriage, adoption, or hanai relationship to any person who is currently registered or required to be registered as a lobbyist in the State of Hawaii? If yes, please list those persons.	
[Type name(s)]		

*Hawaii State Senate*



**Intern / Volunteer Registration Form**

Date:

Senator / Agency:

Name of Intern/Volunteer:

Home Address:

Home Phone:

Alternate Phone:

Is Intern/Volunteer 18 years of age or older?

Yes

No

**In case of emergency contact:**

Name:

Relationship:

Phone number:

Alternate phone number:

**Exhibit 8.A**  
**HAWAII STATE SENATE**  
**Requisition for Supplies**

**REQUESTED BY SENATOR:** \_\_\_\_\_ **ROOM** \_\_\_\_\_ **DATE** \_\_\_\_\_

PAPER GOODS	QTY	OFFICE SUPPLIES	QTY
Envelopes, Manila Size: _____	Bx	Binder (3-Ring) Size: _____	Ea
Envelopes, Senate _____ Legislature _____	Bx	Clips, Binder Small _____ Med _____ Large _____	Bx
File Pockets Letter _____ Legal _____	Ea	Clips, Paper Small _____ Large _____	Bx
Folders, Hanging Letter _____ Legal _____	Bx	Correction Liquid Color: _____	Ea
Folders, Manila Letter _____ Legal _____ +Straight _____ 3rd _____	Bx	Correction Tape Type: _____	Ea
Index Cards Blank _____ Ruled _____ Size: _____ Color: _____	Pkg	Fasteners (2-Prong), Bases only _____ Complete Set _____ 2 3/4" center + 1 1/2" or 8 1/2" center + 3 3/4"	Bx
Index Divider Sheet (5-Tab) Clear _____ Color _____	Pkg	Glue Stick	Ea
Labels, Address (Laser) Size: _____	Bx	Rubber Bands	Bx
Labels, File Folder Color: _____	Bx	Rubber Cement	Btl
Letterhead, w/Names / Seal Only / Legislature	Rm	Ruler (12" only)	Ea
Post-It-Notes Size: _____	Pad	Scissors	Ea
Steno Notebook	Ea	Staple Remover	Ea
Tablet Small _____ Letter _____ Legal _____	Ea	Stapler	Ea
Tabs, Plastic (Hanging Folders)	Pkg	Staples Standard _____ Xerox _____	Bx
Tape Flags Color: _____	Disp	Tacky Finger	Ea
Telephone Message Book _____ Pad _____	Ea	Tape, Masking 1" _____ 2" _____	Ea
Xerox Paper, Letter (8 1/2 X 11) Color: _____	Rm Cs	Tape, Packing (Brown)	Ea
Xerox Paper, Legal (8 1/2 X 14) Color: _____	Rm Cs	Tape, Scotch (Clear) Regular _____ Book _____	Ea
PENS/PENCILS, ETC.	QTY	FAX/PRINTER SUPPLIES	QTY
Highlighters Blue _____ Pink _____ Yellow _____	Ea	Toner Cartridge Fax _____ Printer _____ Xerox _____	Ea
Pen, Ball Point Fine _____ Medium _____ Black _____ Red _____	Ea	TYPEWRITER SUPPLIES	QTY
Pen, Felt (Signature) Black _____ Red _____	Ea	Lift Off tape	Ea
Pen-Marker Fine _____ XFine _____ Sharpie Black _____ Blue _____ Red _____	Ea	Ribbon, Selectric typewriter II _____ III _____	Ea
Pen, Perm Marker Black _____ Red _____	Ea	COMPUTER SUPPLIES	QTY
Pen, Rollerball Fine _____ Micro _____ Black _____ Blue _____ Red _____	Ea	Diskettes (Computer)	Bx
Pencil (Number 2)	Bx	OTHER	QTY
Pencil Erasers	Ez		
OTHER	QTY		
*		*	

**RECEIVED BY:** \_\_\_\_\_

# Request for SENATE Copies

Organization:	Date:
Name:	Phone:
E-mail:	

You may request **one copy each of up to 20 measures per day** and, in addition, you may also request one printed copy each of the Order of the Day, hearing notices, and other legislative documents.

**Please list measures in numerical order.** When requesting committee reports, also list measure no.

	Senate Bill/ Reso No.	House Comm. Rept. No.	Senate Comm. Rept. No.	Conf. Comm. Rept. No.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

	Senate Bill/ Reso No.	House Comm. Rept. No.	Senate Comm. Rept. No.	Conf. Comm. Rept. No.
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

Order of the Day for \_\_\_\_\_  
(date)

Hearing Notices for \_\_\_\_\_ or \_\_\_\_\_  
(date) (committee(s))

Governor's Message Nos. \_\_\_\_\_

Other (please list): \_\_\_\_\_

.....  
(PRINTSHOP USE ONLY)

Date Completed: \_\_\_\_\_  
Date Received: \_\_\_\_\_

Completed by: \_\_\_\_\_  
Received by: \_\_\_\_\_

# Hawaii State Senate



<b>Document Reproduction Request</b>			
Date:			
Time:			
Office:			
Contact Person:			
Phone Number:			
Due Date and Time:			
Job Description:			
Quantity:			
<b>BLACK AND WHITE COPIES (please check one):</b>			
	<input type="checkbox"/>	White Paper	Choose an item.
	<input type="checkbox"/>	Color Paper	[List color here]
	<input type="checkbox"/>	20# Bond	
	<input type="checkbox"/>	67# Cardstock	
<b>COLOR COPIES:</b>			
	<input type="checkbox"/>	Paper size:	Choose an item.
<b>PRINTING OPTIONS:</b>			
	<input type="checkbox"/>	2 Sided Printing:	Choose an item.
	<input type="checkbox"/>	Binding:	Choose an item.
	<input type="checkbox"/>	Folding:	Choose an item.
Additional Instructions:	[Type additional instructions here]		
<b>For SDC/Clerks Office Only</b>			
Date/Time Completed:			
Picked up by:			
Date/Time of Pick up			

### Exhibit 8.D

**Out-of-State Long Distance Phone Call Log**

Date of call  Use the <Tab> key to move from field to field, then  
Time of call  click on the Save/Add button to add your  
information to the system.

Caller

Local Number

Number called

City, State

Length of call  Minutes

Record added:



## Hawai'i State Senate

### COMPUTER AND TECHNOLOGY USE POLICY

#### **SCOPE**

The State Capitol legislative office environment has a wide variety of technologies available for use to meet legislative business responsibilities and demands. Use of office technologies such as: computers (desktop and laptop models), personal digital assistants (PDAs), telephones and digital telephone services, image scanning and copying, fax servers, and data networks is no different from the use of any other legislative resource provided in the workplace. State statutes, rules and advisories concerning the appropriate uses of resources provided for legislative business must be adhered to.

This policy applies to the use of office technologies provided by the Hawaii State Senate ("Senate") to its members and staff.

#### **USE POLICY**

**Appropriate Use Principles.** Users of office technologies such as computers, the computer network, e-mail and Internet access provided by the Senate shall:

1. Respect the legal protection provided by copyright and licensing laws related to software and data.
2. Respect the privacy of other users and their intellectual property or data.
3. Not engage in any act or activity to intentionally seek information; obtain copies of documents, files or data; or use passwords belonging to other users without proper authorization.
4. Not engage in any act or activity, which damages or alters or which may damage or alter, the software or other components of legislative computers or the legislative network or system.
5. Not use functions and components of the legislative computer network and system for which they have not been authorized; or install unauthorized software, hardware, devices or peripherals to said network or system.
6. Protect the integrity of the Legislature's computer network and system, and shall not intentionally propagate programs or engage in activities which harass other users.

7. Be responsible for damage or the loss of assigned computer equipment and software that results from gross negligence.

**Appropriate Legislative Use.** Members and staff are not restricted in the use of assigned office technologies, including computers and associated equipment and installed software, as long as the use is compatible with the conducting of business associated with the needs of a citizen legislature. Members and staff are encouraged to use office technologies provided by the Senate including, but not limited to, computers and associated equipment and software to:

1. Facilitate communications between legislators, staff, government agencies, constituents, the media and others concerned with State business.
2. Access databases and files to obtain reference materials and conduct research or business related to the Legislature or for State purposes.
3. Accomplish administrative duties in direct support of official legislative business.
4. Gather information for use in the preparation of legislative documents, committee materials, and floor comments.
5. Preserve for historic purposes information related to the Legislature.

**Inappropriate Uses.** Members and staff shall not use office technologies provided by the Senate including, but not limited to, computers and associated equipment and software to:

1. Violate any State or federal law or rule or regulation.
2. Raise funds or engage in activities not related to State business, including but not limited to, campaign activities, and personal or private commercial or business activities.
3. Intentionally disrupt network or system use by introducing viruses or any other means.
4. Intentionally misrepresenting oneself or misrepresenting oneself by using another user's password or log-on code without permission and authorization.
5. Bypass or breach security measures and policies established to protect the integrity of the Legislature's network and system.
6. Attempt to degrade the performance of, or to deprive other users access to, resources on the Legislature's network and system.
7. Knowingly transmit or receive patently offensive, racist, obscene, pornographic information or material, or gaming information or materials for the purpose of wagering.

## **SECURITY & PRIVACY**

The Senate employs various measures to protect the security of its computing resources and its users' accounts. However, users should be aware that the Senate cannot guarantee absolute security.

Users should also be aware that their use of office technologies including computers and computing resources provided by the Senate are not completely private. While the Senate does not routinely monitor individual usage of its network, system, and computing resources, the normal operation and maintenance of the Senate's technological assets require the backup of data; the logging of activity; the monitoring of general usage patterns; and other necessary activities.

The Senate may also specifically monitor the activity and accounts of individual users of the network and system, including individual log-in sessions and communications, WITHOUT NOTICE, when: (1) it appears reasonably necessary to do so to protect the integrity, security, or functionality of the network or system, or to protect the Senate from liability; (2) there is reasonable cause to believe the user has violated or is violating State or federal law or this policy; (3) an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns; and (4) it is otherwise permitted or required by law.

Any individual monitoring required by law or necessary to respond to emergency or perceived emergency situations shall be authorized in advance by the Senate President.

The Senate may disclose the results of any such general or individual monitoring, including the contents of individual communications, to appropriate legislative officers and/or law enforcement agencies. Said results may be used in subsequent proceedings.

Communications prepared, received or transmitted via the legislative network or computer system may be subject to disclosure under the Hawai'i Information Practices Act.

## **ELECTRONIC MAIL & INTERNET ACCESS**

The Senate is providing Internet access capability to its users to assist in the gathering of information for official legislative business and research purposes; to provide access and sharing of information for more informed decision-making; and to effectively communicate with other Internet users across the State and nation, and around the world. Electronic mail ("e-mail") and access to the Internet provide a valuable communications tool for members and staff.

Internet and e-mail services are available to any member and full-time permanent and session legislative staff via equipment and hardware assigned to the member or to the legislative agency.

As with all other office technologies, these tools must be managed in a manner that maintains public trust and confidence in the Senate. Users are responsible for exercising the appropriate discretion in the use of cyber sites.

Since the Internet and its tools adhere to open standards and specifications, it is an inherently unsecured network that has NO built-in failsafe security controls. In addition, since e-mail is not currently encrypted and may pass through many different computers and networks to reach its destination, any one of these computers or networks could capture e-mail. The use of the Internet and e-mail to transmit messages or information containing data that must be kept confidential is strongly discouraged.

**Prohibited Uses.** Members and staff shall not use e-mail or Internet access provided by the Senate for:

1. Campaign activities.

2. Private or personal or commercial purposes.
3. Engaging in disruptive or potentially disruptive activities such as the destruction of software or information, unauthorized changes to files, or the creation or intentional transmission of harmful files.
4. Installing, copying, or distributing any copyrighted material, unless clearly identified as "shareware" or in the public domain.
5. Creating or transmitting information which may be harassing or which promotes discrimination or other activities prohibited by State or federal laws.
6. Any type of instant messaging or online chat. These services offer minimal security features and post a security threat to our network and the data on it.

All data, files, software/shareware, or any other material "downloaded" from the Internet shall be scanned for possible viruses prior to its use. Members and staff should have a thorough knowledge of the source of all materials before its use. Users should exercise extreme caution before utilizing Internet files.

Users shall not establish external connections that may allow unauthorized users access to the legislative network and system.

## **MAINTENANCE & SUPPORT**

The office technologies assigned to a member for use by the member and the member's staff, including but not limited to computers, computer peripherals, and software, are the inventoried property of the Senate.

Hardware not owned or leased by the Senate shall not be connected to the legislative network or system.

NOTE: Personal Digital Assistants (PDAs) purchased by the Senate and running the Windows Mobile operating system may be connected to the legislative network. The Senate will provide necessary support to connect the device and synchronize it to the network. Prior approval of the Senate Clerk is required before any PDA can be installed on the network. PDAs not purchased by the Senate can be synchronized with the Legislature's Exchange server over the cellular network.

Software not issued by the Senate may be installed on equipment owned or leased by the Senate with the prior written approval of the Senate Clerk. The Senate will provide limited support to install the software.

The Senate is responsible for providing reasonable maintenance and support of assigned and installed equipment, hardware and software. Training, installation or other support services for non-legislative office technologies will not be provided.

A member shall be responsible for the cost of repairing equipment or licensed software funded by legislative appropriations resulting from gross negligence or abuse, or the installation of unauthorized equipment, hardware, or software.

A member shall notify the Senate Clerk as soon as possible after any damage or theft or loss of assigned equipment or hardware.

## **PENALTIES**

Upon notification to the Senate Clerk regarding possible inappropriate use of assigned office technologies, the Senate Clerk shall inform the Senate President.

The Senate President shall review the alleged violations and shall discharge appropriate penalties, which may include: termination of access privileges, disciplinary action, and the forwarding of information to law enforcement if there is reasonable cause to suspect that activities in contravention of State or federal laws are involved.



## Hawai'i State Senate

### TECHNOLOGY USE GUIDELINES

#### COMPUTER USE: GENERAL

- All computers and technology equipment issued to members and staff of the Hawai'i State Senate are inventoried property of the Senate. Each member and staff is responsible for properly using, caring for, and safeguarding this equipment.
- Users of computers, technology equipment, and software must comply with applicable federal and State laws, and the "Senate Computer and Technology Use Policy."
- Please pay attention to e-mail alerts and updates from the System Administrator regarding computer viruses, security precautions, updates, etc.

#### COMPUTER USE: SECURITY

- Physical access to all Senate computers that provide network service, shared services, or network management functions shall be restricted to authorized individuals only.
- Computer users are given a user ID/password for their personal use only. Your user ID determines the type of access you have to applications and files on the network. Your user ID/password should not be given to any other individual, nor should you allow any other individual access to any networked computer, either by giving them your password or by allowing them physical access to a computer that has already been logged on to the network by yourself or another user.
- When leaving your computer unattended for any length of time, lock your computer (press "*Start*" and "*L*" keys on your keyboard) to ensure that unauthorized individuals will not have access to your computer.
- At the end of each day, it is permissible to leave your computer on so that your computer can receive the latest antivirus and security updates. There are two ways

to leave your computer on without posing a security risk.

- (1) You can log off your computer by clicking on *"Start"*, then *"Log Off"*, or
- (2) You can press *"Ctrl-Alt-Del"* and click on the *"Lock Computer"* button.

If you use method (2), no one else will be able to use your computer unless you unlock it using your login password.

- Software not issued by the Senate may be installed on the Senate's network only with the prior approval of the Senate Clerk.
- If you work on a home computer, be sure to have current anti-virus software installed and running to ensure that you do not transfer any infected files from your home computer to the legislative network.

### **LAPTOP USE: GENERAL**

- If you have important data on your laptop, it is strongly recommended that you save the data in a network folder, CD, or USB flash drive as a safety precaution against hard drive failure.
- Be sure to save all data and documents before rebooting your laptop and make sure the hard drive status indicator is off before turning your laptop off to avoid losing or corrupting data.
- Keep your laptop and disks away from magnetic fields that can erase any stored data.
- Extreme temperatures or sudden changes in temperature can damage a laptop. Cold temperatures can cause the case and screen to become brittle and crack. High temperatures can cause them to melt or warp. Laptops are safest at temperatures that are comfortable for you.
- When you use the battery, be sure to monitor the charge level.
- When using your laptop, keep it on a flat, solid surface so that air can circulate through it. Using the laptop while it is directly on a sofa or bed, for example, can cause it to overheat.
- Do NOT place drinks or food in close proximity to your laptop.
- Keep the laptop away from dust and dirt as the internal workings of the laptop can get clogged.

## **LAPTOP TIPS: SECURITY**

- Do NOT leave laptops unattended, especially in areas that are accessible to the public [i.e., Capitol conference rooms, schools, public libraries].
- To ensure your privacy, be aware of who can see your screen when you are working on confidential files.
- When traveling, do NOT check-in your laptop as luggage. In addition, you are advised that the FAA has issued a warning about an increasingly common practice—stealing laptops from the conveyor belts of metal detectors. It is suggested that you wait for those ahead of you to pass through the metal detector before placing your laptop on the conveyor belt.
- Immediately report the loss or disappearance of your laptop to the Senate Clerk's Office.

## **LAPTOP WIRELESS ACCESS**

- The Capitol public wireless network is NOT secure. A separate SECURED wireless network is available in the State Capitol to all legislative network users. Senate Data Systems will manage the initial configuration required to get any Senate-owned laptop with WiFi capability onto the secured wireless network. If your Senate-owned laptop does not currently connect to the secured wireless network, please contact the Senate Data Systems office.
- Public, unsecured wireless networks, such as those found in airports, libraries, and coffee shops, should NOT be utilized with Senate-owned laptops. They pose a severe security risk, not only to the individual laptop, the data on it, and any passwords typed into it, but also to the legislative network when a compromised laptop is reconnected.
- Be aware that connecting to the Internet using someone else's unsecured WiFi network (e.g., sitting at home and connecting to the Internet via a nearby wireless network such as a neighbor's home network) poses the additional risk of not knowing what you are connecting to. Additionally, in some areas it is a criminal offense to steal someone else's WiFi.

## **E-MAIL ETIQUETTE**

- Treat e-mail the same way you would treat an interoffice memo. The system is not for personal messaging. Although it is less formal than a memo and no formatting is required, you should still use common business sense in what you say and how you say it. Keep in mind that e-mail may be printed by the recipient, saved in a

permanent file, or forwarded to another party.

- Users should use discretion when broadcasting messages to "all Senators" or "all staff." Check with the Senate Clerk to determine if a broadcast message is appropriate.
- Because e-mail can be inadvertently sent to the wrong person and/or forwarded, you should minimize the use of e-mail for highly sensitive or highly confidential information.

If sending sensitive or confidential material via e-mail, take precautions to alert the recipient(s) by including an appropriate caption at the top of your message.

- E-mail is intended as a medium for quick communication. It is not a medium for storage of valuable files. Users who want to retain e-mail should move or copy the information to a separate directory. E-mail storage space limits have been allotted to each legislator and authorized staff member. Once these limits have been reached, e-mail cannot be sent by or received from the user. Users who want to retain e-mail should move or copy the information to a separate directory.

**ACKNOWLEDGEMENT**

I have reviewed and understand the preceding terms and provisions of the Senate's Computer, E-Mail, Internet and Technology Use Policy and the attached Senate Technology Use Guidelines, and I accept responsibility for adhering to the same. I further acknowledge that any violations of this Policy and Guidelines may result in: the termination of access privileges; disciplinary action; and/or the forwarding of information to law enforcement.

Applicant's Name: \_\_\_\_\_  
(please print)

Applicant's Signature: \_\_\_\_\_

Authorized by: \_\_\_\_\_  
Senator or Agency (SMA, SMO, etc.) Administrator's Signature

Date: \_\_\_\_\_

*Complete and submit this page to the **Senate Data Systems Office** in Room 008 or the **Senate Clerk's Office** in Room 010.*

Last Name: _____	First Name: _____	
Office: _____	Title: _____	
Room No.: _____	Phone: _____	
_____ Permanent Staff	_____ Session Employee	_____ Intern/Volunteer
_____ This user is authorized to access my e-mail account.	Senator's Initials: _____	

**Data Systems Office Use Only**

Username: _____
Public E-mail address _____ @capitol.hawaii.gov



## Hawai'i State Senate

### LAPTOP COMPUTER USE AGREEMENT

Laptop computers are being offered to members and staff of the Hawaii State Senate for use in the conduct of "official legislative business". Each member who requests and who is subsequently issued a laptop computer is responsible for the contents, use and safeguarding of this piece of equipment purchased with taxpayer dollars.

Use of laptop computers issued must comply with applicable provisions of federal and State laws, and the "Hawaii State Senate Computer and Technology Use Policy".

**Licensed software.** Any duplication of licensed software, except for backup and archival purposes, is a violation of the Senate software license and federal law.

**Additional software.** The Senate Computer and Technology Use Policy states: "*Software not issued by the Senate may be installed on equipment owned or leased by the Senate with the prior written approval of the Senate Clerk.*" Therefore, if you wish to install additional software, you must submit a request in writing to the Senate Clerk. The Senate Clerk will advise the Senate President on whether the installation should be approved, based on a legitimate legislative need and if there is an assurance that the installation will not cause the laptop to malfunction or the network to be compromised. Only Senate supplied software will be supported by Senate staff.

**Damage or loss.** Members may be required to replace or pay for the repair of a Senate-issued laptop if the loss or damage was caused by gross negligence. "Gross negligence" is defined as knowingly causing, or allowing damage to or loss of, a Senate-issued laptop. The Senate President, in consultation with the Vice President and the Minority Leader, shall make the determination of gross negligence.

Family members, friends, or other individuals should NOT be allowed to use your Senate-issued laptop. Damage or loss incurred by you may be compensable with State funds. However, taxpayer-funded compensation for damage or loss incurred by your family members, friends, or other individuals may not be appropriate.

**Theft.** If your Senate-issued laptop is stolen, you are responsible for the immediate filing of a police report, and for reporting the theft to the Senate Chief Clerk. A replacement laptop will be issued upon receipt of the police report, if available.

**Acknowledgement.** I have reviewed and understand the preceding terms and provisions of this Agreement, and I accept responsibility for adhering to the same. I further acknowledge that any violations of this Agreement may result in: the termination of access privileges, disciplinary action, and/or the forwarding of information to law enforcement.

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Laptop Make & Model: \_\_\_\_\_

Serial Number: \_\_\_\_\_

State ID Number: \_\_\_\_\_