

Administrative and Financial Manual of the Senate



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Administrative and Financial Manual of the Senate

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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 official duties, the nature of which will assist the legislator in: (i) developing the legislator's accessibility to, and communication with, the community and constituents concerning legislative matters; and (ii) educating the community and constituents on matters relating to the legislature, legislative process, and subjects of legislation.

The Guideline Memorandum on Annual Allowances (Exhibit 1.A) serves as a guide and provides a basis for legislators in requesting advances or reimbursements from the annual allowance.

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; provided that for any expenditure of legislative allowance in excess of \$100 by a legislator who is appointed to fill a vacancy for a period of less than six months, the appointed legislator shall submit a request to expend legislative allowance monies for incidental expenses to the President and obtain the President's approval prior to encumbering the legislative allowance monies.

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.B)

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 to the President a written justification for the trips taken.

In the case of a non-Oahu President, the non-Oahu President shall be entitled to eight intrastate round trips per month; provided that any intrastate travel in excess of eight round trips per month shall taken at the non-Oahu President's discretion; provided that the non-Oahu President shall submit to the Vice-President 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 per diem 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.

During the interim, in the case of a non-Oahu President, the non-Oahu President shall be entitled to eight round trips per month; provided that any intrastate travel in excess of eight round trips per month shall be allowed only with the approval of the Vice President. During the interim, a non-Oahu President shall be entitled to the maximum per diem of up to three days per week; provided that the non-Oahu President claiming the per diem shall provide 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 Vice 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. For costs associated with intrastate travel for business associated with a Senate committee, the costs shall be charged against the individual Senator's annual allowance established under section 24-1 Hawaii Revised Statutes, and title 1, chapter 1, section 1.3; provided that the President of the Senate may approve the use of other Senate funds. 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 162(h) of the Internal Revenue Code.

State legislators who live over 50 miles from the capitol may make an election under IRC section 162(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 162(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 162(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.

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 parceled as to defeat or evade the requirements of Chapter 103D, including 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 which may be used to purchase goods and services less than \$100,000, and construction less than \$250,000:

- (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 \$5,000 do not require price quotations; however, price quotations should be obtained whenever practical and appropriate. A requisition or 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 \$5,000 and less than \$25,000 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, at least three written price quotes shall be solicited for purchases equal to or greater than \$5,000 and less than \$15,000. At least three written price quotes shall be obtained for purchases equal to or greater than \$15,000 and less than \$25,000.

- (C) A memorandum requesting the purchase of goods and services shall be submitted to the President for approval, prior to purchase. The memorandum shall include:
 - (i) A description of the goods, services, or construction to be purchased;
 - (ii) Justification of the purchase;
 - (iii) Identification of the three vendors with corresponding price quotes; and
 - (iv) Recommendation as to which vendor shall be selected.

- (4) The procedures to purchase goods and services equal to or greater than \$25,000 and less than \$100,000, and construction equal to or greater than \$25,000 to less than \$250,000 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 and services \$100,000 or greater, and construction \$250,000 or greater.

- (1) Purchases of goods and services \$100,000 or greater, and construction of \$250,000 or greater shall be made in accordance with one of the following methods of source selection, as applicable:
 - (A) Competitive Sealed Bidding pursuant to chapter 103D-302, HRS; or
 - (B) Competitive Sealed Proposals pursuant to chapter 103D-303, HRS.

- (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: procurements exempt from chapter 103D, HRS; 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. Emergency purchases may only be used to meet the immediate needs for the emergency and not subsequent non-emergency requirements. Emergency purchases shall be made with such competition as practicable under the circumstances.
- (2) Written approval of the President or an authorized designee shall be obtained prior to the procurement, or if that is not possible, then a verbal approval may be obtained and followed by a written request as soon as practicable thereafter.
- (3) The memorandum requesting an emergency purchase 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.
- (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. 4.3. 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) If the purchase does not fall under the "Procurements Approved for Sole Source" list maintained by the procurement policy board, 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) A description of the feature, characteristic, or capability that is unique to the particular good, service, or construction being requested;
 - (C) An explanation as to why the unique feature is essential to accomplish the requestor's work; and
 - (D) An explanation as to why the particular good, service, or construction having the unique feature is available from only one source.
 - (E) Cost estimates; and
 - (F) Other pertinent information.
- (3) The President or an authorized designee shall post a notice of sole source in a designated area accessible to the public for at least seven (7) days prior to approving the request. Any objections to the sole source contract must be submitted in writing and received by the President within seven (7) days from the date the notice was posted. The President shall review all objections submitted and provide written determinations to those who submitted objections. All related documents shall be filed with the sole source procurement file.
- (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 section 103D-304, 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 in accordance with section 103D-304, HRS.

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 facts giving rise thereto; provided that a protest of an award or proposed award must be submitted in writing within five (5) working days after the posting of the award by competitive sealed bidding or competitive sealed proposal. 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.
- (4) Persons who wish to keep information submitted by them confidential should specifically make such a request. They shall identify the confidential information within the documents submitted and indicate on the front page of each document that contains the confidential information.
- (5) 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 an administrative appeal; and
 - (C) Be mailed or otherwise furnished immediately to the vendor.
- (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 subchapters 1 and 4 chapter 3-126 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.
- (8) The President's final decision shall be final and conclusive, unless the vendor commences an administrative proceeding pursuant to section 103D-709, HRS, within seven (7) calendar days after the final decision of the President.
- (9) 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. Office Manager

Duties and responsibilities. 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, an 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 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. Committee Support Staff

In addition to the above position, each Senator may employ additional support personnel during the session provided the Senator does not exceed the daily dollar allotment for staff salaries as authorized by the Senate.

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 staff.

The Senate majority party staff may consist of a director, majority attorney, assistant director, assistant majority attorney, research attorneys, researchers, support staff 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

Appointed by the President in consultation with the Director.

Duties. Under the supervision of the Director, assists the Director with managing 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; performs other related duties as directed by the Director or the Majority Attorney; and serves as the Acting Director, in his or her absence.

Qualifications. The minimum qualifications for the Assistant Director shall include knowledge of 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 shall have the ability to supervise subordinates, maintain confidentiality, work effectively under pressure and meet deadlines, and write and communicate clearly, concisely, persuasively, and effectively.

D. Assistant Majority Attorney

Appointed by the President in consultation with the Majority Attorney.

Duties. Under the supervision of the Majority Attorney, assists the Majority Attorney in fulfilling the Majority Attorney's duties; performs other related duties as directed by the Majority Attorney; and serves as the Acting Majority Attorney, as appropriate, in his or her absence.

Qualifications. The minimum qualifications for the 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 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 Majority Attorney shall have the ability to 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.

E. Research Attorneys

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

Duties. Under the supervision of the Director, research attorneys may be assigned to the Majority Attorney to conduct legal research, draft legal memoranda, and conduct legal review of legislation and committee reports. Research Attorneys 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 Research 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, Research 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.

F. Researchers

Appointed by the President in consultation with the Director.

Duties. Under the supervision of the Director, researchers draft legislation, committee reports, speeches, and legislative accomplishments; provide training and consultative assistance to session staff; conduct fact finding, 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.

G. Administrative Services Manager

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

Duties. Serves as the administrative assistant 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 support staff 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.

H. Support Staff Supervisor

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

Duties. Under the direction of the Administrative Services Manager, oversees and coordinates the requests for service and the workload of the support staff, and trains and supervises any support staff hired during the session.

Qualifications. The minimum qualifications of the Support Staff Supervisor shall include 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 Support Staff 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.

I. Support Staff

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 a director, attorneys, researchers, and support staff. 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, committee attorneys, fiscal analysts, and other staff, 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. Committee 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 committee attorneys shall include a graduate degree (J.D.) from an accredited law school. It is desirable, although not necessary, that a committee attorney has successfully completed the Hawaii Bar examination and is qualified to be licensed to practice law in Hawaii and federal courts. In addition, committee 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.

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, aides, or other staff as deemed necessary. 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. Senate Vice President's staff.

Staff support for the Vice President may consist of an office manager, administrative assistant, 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 Chief Clerk, Assistant Chief Clerk, Sergeant-At-Arms, Assistant Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Administrative Services Manager, Administrative Assistants, Human Resources Specialist, Information Systems Manager, Information System Analysts, Accountant, Account Clerks, Document Center Manager. Session employees include such other personnel as required.

A. Chief 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 assigned to the Clerk; and performs other duties related to Senate proceedings as requested by the President.

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

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; periodically complete certified law enforcement training provided by the Department of Public Safety or other appropriate organization that is appropriate for the Sergeant-at-Arms to satisfy his or her duty of maintaining order in the Senate Chamber during session, including training on the arrest and removal of disorderly non-members through non-physical means; seek other educational opportunities to assist in achieving the duties of the Sergeant-at-Arms; 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; ability to calmly handle hostile patrons and diffuse aggressive or violent situations; 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; ability to calmly handle hostile patrons and diffuse aggressive or violent situations; 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. Chief Calendar Clerk

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; assists in the handling of floor amendments; 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. Administrative Assistant

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. Sergeant-at-Arms Office Manager

Permanent full-time employee appointed by the Sergeant-at-Arms subject to approval of the President.

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

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

L. Document Management Clerk

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

Duties. Under the supervision of the Clerk, prepares legislation for permanent recording; coordinates the routing of bills and resolutions; assists in the handling of floor amendments; prepares the bill jackets; engrosses all bills, resolutions, and related matters; performs other related duties as required.

Qualifications. Excellent organizational and proofreading skills; familiarity with office procedures; and the ability to meet deadlines.

M. Document Management Specialist

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

Duties. Under the supervision of the Clerk, provides data entry and other information technology services to process legislative documents and information; manage databases and electronic records; and performs other duties as directed by the Clerk.

Qualifications. Data processing and information technology experience; proficiency in the use of personal computers; knowledge of general office procedures and practices; understanding of the legislative process; ability to meet deadlines.

N. Information 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.

O. Information Systems Analyst

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

Duties. Under the supervision of the Information 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 Information Systems Manager.

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

P. Supply Manager

Permanent full-time employee appointed by the Sergeant-at-Arms subject to the approval of 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.

Q. 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.

R. 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.

S. Service Aides

Permanent or 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; 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, code of conduct, interns and volunteers, and Senate identification cards. 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:

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

assistant, if the authority to approve has been delegated, and forwarded to the Accountant.

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

Sec. 3.8. Maintenance of leave records.

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

Chapter 4. Employee Welfare

Sec. 4.1. Scope of chapter.

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

Sec. 4.2. Employee benefit programs.

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

- (1) Retirement system (mandatory participation) – chapter 88, HRS.
- (2) Public Employees' Health Fund - chapter 87A, HRS.
- (3) 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.

Chapter 8. Temporary Assignment or Exchange of an Executive Branch Employee to a Senator

Sec. 8.1. Temporary assignment or exchange of an executive branch employee to a Senator.

Notwithstanding section 78-27, Hawaii Revised Statutes, the temporary assignment or exchange of an executive branch employee to a regular work assignment with a Senator is prohibited; provided that an executive branch employee who is on leave of absence without pay

from the employee's position in the executive branch may be employed as an employee of the Senate for the period of the employee's leave without pay. A "temporary assignment or exchange of an executive branch employee" occurs when an executive branch employee is detailed by the executive branch, by appointment, assignment, or otherwise to a Senator to perform duties as a Senate employee for the Senator.

Chapter 9. Identification Card Issuance

Sec. 9.1. Scope of chapter.

This chapter establishes the Senate's identification card program and the policies and procedures governing the issuance and surrender of Senate issued identification cards.

Sec. 9.2. Identification cards, general.

In an effort to ensure the safety of all Capitol complex occupants, the Senate shall require all of its employees to apply for and display on their person an employee identification card at all times while in the Capitol building.

The Sergeant-at-Arms shall issue an identification card to all Senate members, officers, and authorized employees, volunteers and interns. The identification card shall remain the property of the Senate.

Sec. 9.3. Design.

The Sergeant-at-Arms, in consultation with the Chief Clerk, shall design the Senate identification card. The card shall include the seal of the State of Hawaii, the words among others, "The Senate" and "State of Hawaii," and include additional details as the Sergeant-at-Arms and Chief Clerk shall deem appropriate.

Sec. 9.4. Issuance.

All new employees are required to complete the Senate's Employee Identification Application Form (Exhibit 7.H.). The completed form is to be forwarded to the Sergeant-at-Arms. The Sergeant-at-Arms will review the form and contact the applicant to schedule picture taking and issuance.

Sec. 9.5. Surrender.

Upon termination or separation of service from the Senate, all employees shall surrender their identification card to the Sergeant-at-Arms. The Sergeant-at-Arms will coordinate the collection of identification cards of separating employees.

Sec. 9.6. Identification cards, computer and printer security.

The Sergeant-at-Arms shall be responsible for control of the computer and printer system used for identification card issuance. Only employees designated by the Sergeant-at-Arms shall have access to and operate the identification card computer and printer system. The key from the identification card computer and printer system shall be removed whenever the machine is not in use. A log of identification card issuance shall be maintained by the Sergeant-at-Arms. The President or Vice President may request periodic reports on the issuance of identification cards.

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 Sergeant-at-Arms 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 Sergeant-at-Arms shall maintain a numerical record of the identification numbers used and other pertinent information of the item for the Sergeant-at-Arms 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 Sergeant-at-Arms. 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 Sergeant-at-Arms 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 Sergeant-at-Arms 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 Sergeant-at-Arms 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 Sergeant-at-Arms 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 Sergeant-at-Arms as soon as possible.

Sec. 1.7. Physical count.

The Sergeant-at-Arms 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 Sergeant-at-Arms 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 Sergeant-at-Arms 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 Sergeant-at-Arms.

The Clerk may, subject to the approval of the President, delegate any of the Sergeant-at-Arms functions contained in this Title to the Supply manager, 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, Document Center, Clerk's Office, 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 Manager 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 Sergeant-at-Arms. 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, caucuses, 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 links to individual websites and webpages for each Senator, caucus, and subject matter committee from the official Senate webpages. Upon accessing a link to a website or webpage for each Senator, caucus, 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 member and committee webpages shall hereinafter be collectively referred to as the "Senate website."

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 website and its online content.

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 webpage shall be maintained by the individual Senator's offices and the online content of each subject matter committee's webpages shall be maintained by the committee's staff, subject to the approval of the committee chair. The online content of Senators' individual webpages and subject matter committee webpages 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, caucus, 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 Labor, and Commerce and Consumer Protection;
- (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 7.3. 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. Room Facilities

Sec. 4.1. Assignment of caucus and conference rooms.

Assignment and use of caucus and conference room facilities at the State Capitol shall be limited to legislators, legislative, executive, and judicial departments or agencies; state and county

agencies; and individuals or organizations involved with matters pertaining to state and county government. Legislative committee work has first priority for the use of legislative caucus and conference rooms.

Conference rooms shall be assigned by the Senate President or the Senate President's assigned designee. A "Senate Conference Room and Caucus Room Request Form" (Exhibit 9.A) must be submitted to request use of caucus and conference room facilities.

Sec. 4.2. Monitoring of caucus and conference rooms.

The Sergeant-at-Arms shall be responsible for monitoring the proper use of these facilities. All users shall abide by the "Senate Chamber, Caucus and Conference Room User Guidelines" (Exhibit 9.B). Following the use of a conference room, the Sergeant-at-Arms office shall promptly inspect each conference room and report any problems to the requesting office, make any necessary arrangements for cleaning and repairs, and notify the Senate President's office for further action, when appropriate. Please report any concerns regarding conference rooms' conditions to the Sergeant-at-Arms office.

Sec. 4.3. Requests and authorization for use of caucus and conference rooms and the auditorium.

A request for use of a conference room shall be made to the Sergeant-at-Arms office. A request for use of a caucus room shall be made to the caucus leader of each respective party. A request for conference or caucus room usage shall be made by a Senate office only. The Senate office requesting the room shall take full responsibility for any individual or organization for which the request is being made, including any damage to the room, furniture or equipment, and shall be responsible for ensuring that the room is clean and returned in its original condition.

A request form shall be submitted to the Sergeant-at-Arms office for use of the Auditorium. The Sergeant-at-Arms will be responsible for scheduling use of the Auditorium with the House Sergeant-at-Arms office. Authorization for use of the Auditorium should not be presumed until confirmation of availability and approval is received from the House Sergeant-at-Arms.

Sec. 4.4. Hours of usage.

Assignment and use of conference rooms may be authorized after normal business hours or on weekends; provided that the Senate office making the request shall ensure that an employee from the requesting office is present to open and subsequently lock the conference room and shall not provide an outside individual or entity a key or authorization to open and lock a room. Terms of use as stated above regarding condition and cleanliness shall continue to apply.

Sec. 4.5. Air conditioning requests.

The requesting Senate office shall be responsible for the submission of any DAGS Central Services Division forms required for the use of air conditioning outside of normal business hours or during weekends and holidays. The Senate office or individual/group user shall be responsible for payment of these additional services.

Sec. 4.6. Use of the Senate Chamber.

Use of the Senate Chamber shall be granted by the Senate President. A "Senate Chamber Request Form" (Exhibit 9.C) must be submitted to request use of the Senate Chamber.

Chapter 5. Photography or Filming in the Senate Chamber

Sec. 5.1. Photography or Filming.

Authorization to take photographs or film in the Senate Chamber shall be granted by the Senate President. Anyone who wishes to photograph or film in the Senate Chamber must submit a written request to the Senate President at least one week prior to the date of the photography or filming. Such request must include:

- (1) The purpose for the photography or filming, including when and where the photographs or film will be displayed or aired;
- (2) The proposed date and time, including the amount of time needed to complete the photography or filming;
- (3) The type of equipment to be used, including the type of lighting, and the number of people in the photography or film crew;
- (4) The area(s) in the Chamber to be filmed;

provided that this section shall not be applicable when the Senate is in session or when there is an event on the Senate floor approved by the Senate President.

Photography or filming for commercial purposes shall not be authorized.

TITLE 10.

ANTI-HARASSMENT POLICY

This title establishes the Hawaii State Senate's policies and procedures governing the prohibition of harassment and other inappropriate conduct in the workplace. As set forth below, matters arising under this policy will be addressed on a case-by-case basis, in light of the specific circumstances of each case.

Chapter 1. Anti-Harassment Policy

Sec. 1.1. Policy.

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

- (1) Promote a professional work environment where all members, employees, and individuals conducting business with the Senate are treated with dignity and respect;
- (2) Strictly prohibit Unlawful Sexual Harassment and Unlawful Harassment (as defined below), as well as unwelcome or offensive conduct based on a legally protected category, even if such conduct does not rise to the level of unlawful behavior;
- (3) Establish a procedure that will handle all reports of potential violations of the Senate's Anti-Harassment Policy in a confidential, proper, thorough, and respectful manner;
- (4) Provide for appropriate preventive, corrective and remedial measures, which could include disciplinary action or other sanction, if any violations of the Senate's Anti-Harassment Policy are determined to have occurred; and
- (5) Provide education and training to all members and employees regarding their responsibilities under this policy and for promoting an appropriate work environment.

Sec. 1.2. Duties and Responsibilities.

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

- (1) Treat one another and any individual conducting business with the Senate with dignity and respect;
- (2) Avoid any comments or conduct in the workplace that reasonably could be construed as violating this policy;
- (3) Affirmatively discourage comments or conduct by others that potentially violate this policy;
- (4) Report potential violations of this policy promptly; and
- (5) Refrain from and prevent reprisals or retaliation against any member, employee, or individual conducting business with the Senate who makes a good faith report of discrimination, harassment or a potential violation of this policy or who participates in an investigation of such a report.

Sec. 1.3. Definitions.

- (1) **Unlawful Sexual Harassment.** Sexual harassment, in particular, has become the focus of much discussion and is a violation of federal and state law. Sexual harassment is a form of sex discrimination. "Unlawful Sexual Harassment" is defined as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or visual forms of harassment of a sexual nature when:

- A. Submission to the conduct is made either implicitly or explicitly a term or condition of employment; or
- B. Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual; or
- C. The conduct is severe or pervasive and has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.”

Scenarios A and B are called “quid pro quo” sexual harassment, where sexual favors are demanded in return for a job benefit (or in return for not imposing a job detriment). Scenario C is called “hostile work environment” sexual harassment.

Sexual harassment can occur regardless of the gender or gender identity of the perpetrator or the target. Sexual harassment therefore includes both same-sex harassment and opposite-sex harassment.

- (2) Unlawful Harassment. “Unlawful Harassment” is conduct which:
 - (a) Is unwelcome to a person who observes or experiences the conduct; and
 - (b) Is based on or reflects a legally protected category (e.g., race, sex/gender, pregnancy, sexual orientation, age, religion, color, national origin, ancestry, disability, marital status, arrest or court record, genetic information, gender identity or expression, domestic or sexual violence victim status, reproductive health decision, or any other category protected by law); and
 - (c) Is severe or pervasive; and
 - (d) Has the purpose or effect of unreasonably interfering with the performance of elected or job duties or creates an intimidating, hostile or offensive work environment.
- (3) Harassment in violation of this policy. This policy prohibits Unlawful Sexual Harassment, Unlawful Harassment, as well as inappropriate sexual or gender-based conduct, or conduct based on a legally protected category, in the workplace or adversely affecting the workplace, even if such conduct does not rise to the level of unlawful behavior.
- (4) Workplace. For purposes of this policy, the “workplace” is anywhere an employee is required to be in order to carry out his or her job responsibilities. The workplace sometimes may be off capitol grounds and may be outside normal working hours.
- (5) Good faith. “Good faith” means having an honest intention; for example, a complaint can be made in good faith even if it turns out to be incorrect or unsubstantiated; however, a maliciously false or made-up complaint is not one that is made in good faith.

Sec. 1.4. Prohibited Conduct.

- (1) This policy applies to conduct by anyone in the workplace, including Senate members, staff members (supervisors or non-supervisors), and non-employees such as vendors, lobbyists, contractors or members of the public.

- (2) Any Senate equipment, including communication and computer systems or hardware, must be used in compliance with this policy and with all other applicable Senate policies.
- (3) In some cases, off-duty conduct or conduct that occurs outside the workplace but that has an adverse effect on the workplace could violate this policy.
- (4) Conduct that potentially violates this policy may take many forms. It may include, but is not limited to, the following types of behaviors:
 - (a) Offensive or unwelcome nonverbal behavior such as leering, making obscene gestures or suggestive or insulting sounds with or without implied or expressed employment-related consequences, posting derogatory comments or pictures about an employee's or member's protected category on-line, including on social media;
 - (b) Offensive or unwelcome verbal behavior such as threats, insults, or derogatory comments based on a protected category; repeated suggestive comments, innuendos or propositions; or sexist, racist, or other remarks about a person or the person's body, clothing, sexual, or other activities; unwelcome jokes or nicknames based on a protected category; unwelcome terms of endearment; or
 - (c) Physical behavior including assaults, massages, patting, pinching, brushing up against another's body, or any form of unwelcome touching.
- (5) Because different people may have different perceptions about what behavior is unwelcome or may potentially violate this policy, members and employees should avoid any conduct that could reasonably be interpreted by others as a potential violation of this policy.
- (6) Conduct may potentially violate this policy if it is unwelcome or offensive to anyone who observes or experiences the conduct, even if that person is not the intended recipient or the target of the conduct.
- (7) Retaliation against any member, employee, or individual conducting business with the Senate who makes a good faith report of discrimination, harassment or a potential violation of this policy or who participates in an investigation of such a report is absolutely and strictly prohibited.

Sec. 1.5. Resolution Process for Reports under this Policy.

- (1) An individual who experiences or witnesses a potential violation of this Anti-Harassment Policy may raise the issue directly to the person who committed the potential violation (verbally or in writing). However, this is not required. If an individual does not wish to raise the issue directly, or if the conduct continues even after raising the issue directly, the individual must report the issue to one of the following:
 - (a) The employee's immediate supervisor; or
 - (b) A higher level supervisor; or
 - (c) The President of the Senate or the Equal Employment Opportunity ("EEO") Officer designated by the President;

- (d) An individual who is not a member of the Senate or an employee of the Senate shall report to the EEO Officer or the President of the Senate.

If the person who committed the potential violation is the EEO Officer, the issue should be reported to the President of the Senate. If the person who committed the potential violation is the President of the Senate, the issue should be reported to the Vice President of the Senate and to the EEO Officer.

- (2) Concerns about potential violations of this policy should be raised and addressed promptly. An individual should not wait to raise an issue until he or she believes it has become severe or pervasive or a violation of law. The Senate intends to stop conduct *before* it rises to the level of a violation of law.
- (3) If a member or supervisor has reason to believe or has been provided information that this policy potentially has been violated, the member or supervisor shall immediately report the matter to the President or the EEO Officer (unless the alleged offender is the President or the EEO Officer, in which case reporting should be as set forth in the Section 1.5(1)). It is not for a legislator or supervisor to determine the validity or veracity of the potential violation of this policy prior to reporting it.
- (4) Upon receiving a report of a potential violation of this policy, either directly or indirectly, the President of the Senate or the EEO Officer (or, in an appropriate case, the Vice President of the Senate) shall promptly conduct an investigation. The investigation will be conducted as confidentially as possible, consistently with the Senate's need to apprise appropriate individuals of the allegations in order to fairly investigate. Investigation documents will be maintained confidentially on the same basis.
- (5) If a potential violation is substantiated, the Senate shall take appropriate corrective and remedial action to stop and remedy the conduct and prevent its reoccurrence. In the case of employees, the corrective or remedial action could 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. 1.6. Other Remedies not Precluded.

The procedures and remedies under this policy do not prevent an aggrieved employee or member from seeking other remedies, which could include recourse to the Hawai'i Civil Rights Commission or Equal Employment Opportunity Commission.

This policy does not establish legal rights or remedies, which are governed by applicable state or federal laws.

TITLE 11.

MOMENT OF CONTEMPLATION PRIOR TO START OF SESSION

This title establishes procedures to allow the Senate to offer a moment of contemplation prior to the start of each session day.

Chapter 1. Purpose

Sec. 1.1. Purpose

The Hawaii State Senate supports a moment of contemplation prior to the start of each session day to allow its members to solemnize the work of the Senate and its deliberations.

Sec. 1.2. Moment of Contemplation Defined.

Moment of contemplation means a short speech lasting no more than approximately ninety seconds that allows each senator to reflect upon each senator's role while on the floor. The moment of contemplation shall not refer to any specific religion or deity. The moment of contemplation shall not be used to proselytize, advance, inhibit, or disparage any religion or point of view.

Chapter 2. Procedure for the Moment of Contemplation

Sec. 2.1. Presiding officer's discretion.

The presiding officer may permit a moment of contemplation pursuant to the procedures set forth in this chapter.

Sec. 2.2. Selection of Individuals Offering a Moment of Contemplation.

The President shall determine the order in which senators will be permitted to offer a moment of contemplation on a particular session day. The senator designated for a particular day may request that another individual offer a moment of contemplation. If the senator declines to offer a moment of contemplation or designate another individual, there shall be no moment of contemplation for that day.

Sec. 2.3. Individuals Offering a Moment of Contemplation.

Any individual, including senators, offering a moment of contemplation shall review and agree in writing, on an acknowledgement form approved by the President, to abide by this Title. (Exhibit 11.A) The individual shall agree to indemnify and hold the Senate, its employees, agents, and assigns harmless if the presenter fails to comply with terms and conditions of this Title. The acknowledgement form shall be signed and filed with the President's office at least twenty-four hours prior to the scheduled moment of contemplation. If the acknowledgement form is not signed, file and received with the President's office at least twenty-four hours before the scheduled moment of contemplation, there shall be no moment of contemplation for that day.

Sec. 2.4. Announcement by Senate Clerk Prior to Moment of Contemplation.

Prior to the moment of contemplation, the Senate Clerk shall announce that participation in the moment of contemplation is voluntary.

TITLE 12. ETHICS CODE

This title establishes a code of conduct for all Senators that complements the standard of conduct for all State officers and employees as set forth in the Hawaii State Ethics Code, Chapter 84, Hawaii Revised Statutes.

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, daughter-in-law, or 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; provided that such exception shall be subject to the Hawaii State Ethics Code.

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.

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; provided that this disclosure shall be in addition to the financial disclosure requirements of the Hawaii State Ethics Code.

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 13.
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 Senate 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 make available to all other interested persons information regarding ADA requirements and their applicability 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 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, OR REASONABLE ACCOMODATIONS TO AVOID DISCRIMINATION ON THE BASIS OF DISABILITY, ARE INVITED TO MAKE THEIR NEEDS AND PREFERENCES KNOWN TO THE ADA COMPLIANCE COORDINATOR OR TO THE COMMITTEE CLERKS OF SENATE COMMITTEES.

"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 qualified 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 qualified individuals with disabilities an equal opportunity to participate in public committee meetings and sessions, and to ensure that communications with members of the public with disabilities are as effective as communications with others.

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

Senate President. The Senate President or the President's designee shall resolve the matter within 30 days of the date of the appeal to the Senate 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.

TITLE 14.

BROADCASTING OF LEGISLATIVE PROCEEDINGS

This title establishes policies and guidelines that govern the broadcasting of legislative proceedings of the Senate.

Chapter 1. Senate Policy on the Broadcasting of Legislative Proceedings

Sec. 1-1. Broadcast of Legislative Proceedings; policies and guidelines.

The following policies and guidelines shall govern the activities of the legislative broadcast program as it pertains to the Senate:

- (1) **Project Responsibility:** The content, selection, and editorial policies shall be administered by the President of the Senate or President's designee. The authorized community television provider shall provide technical and engineering support, programming time for cablecasts, broadcast production television equipment, and preventive maintenance, repair, and replacement as needed;
- (2) **Distribution:** Cablecast programming coverage and distribution shall be provided by community television providers located in the respective counties. All bona fide news organizations and educational institutions shall be authorized to utilize the programming material and shall bear costs associated with such programming. Political or commercial uses of the material are prohibited;
- (3) **Programming Content:** Programming shall include live and tape-delayed cablecasts. All public committee hearings, legislative sessions, and other legislative proceedings shall be authorized for programming and selected by the Public Access Room Coordinator based upon the criteria of public interest and newsworthiness, as may be measured by column-inches in statewide newspapers and minutes of television news coverage. The President of the Senate or President's designee may authorize special programming in consultation with the Senate Majority Leader and Senate Minority Leader. Programming material shall not be used for political or commercial purposes;
- (4) **Editing:** Cablecasts of legislative proceedings shall be covered gavel-to-gavel, and shall include coverage of the speaker recognized by the chair or presiding officer. Occasional shots of the entire committee or assembled body shall be allowed; however, close-up "reaction" shots shall not be permitted; and
- (5) **Ownership and Use of Programming:** Tapes and cablecasts shall be considered the property of the Senate.

TITLE 15.

SOCIAL MEDIA USE POLICY

This title establishes the policies and procedures that govern social media use within the Senate.

Chapter 1. Purpose

Sec. 1.1. Purpose

The Hawaii State Senate supports the use of social media for authorized Senate committees to enable Senate members and committees, Senate staff, and citizens, to communicate and obtain information online in the timeliest manner in the performance of legislative functions. This document communicates policy and guidelines to foster the most appropriate and effective use of social media by the Hawaii State Senate and its members and staff, to ensure appropriate and effective use of social media consistent with and in compliance with the Constitution and laws of the United States and the State of Hawaii.

Sec. 1.2. Definition

Social media (also referred to as Social Networking Services) in the Legislature is defined as the use of web-based media and Information Communication Technologies (ICTs) for communication and obtaining of information by and among members of the Senate, its staff, and citizens in connection with the performance of legislative functions.

Chapter 2. Policy

Sec. 2.1. Policy

- (1) **Application:** The policies contained herein are intended solely for social media use by members of the Senate and all employees and officers of the Senate relating to or connected with their respective official duties and responsibilities and are not intended to prohibit, limit or otherwise regulate their use of personal social media for personal use. The policies contained herein apply to the Senate's social media accounts and to social media accounts of individual Senators, committees and caucuses that are authorized to be listed on any website of the Senate.
- (2) **Use.**
 - (a) **General Rule.** The use of social media shall conform to Senate rules, policies, guidelines, procedures; all applicable federal, state, and county laws, ordinances regulations and policies including, but not limited to, copyright, records retention, ethics, campaign, and privacy laws; and shall be professional in nature and limited to legislative purposes; and
 - (b) **Limited Personal Use.** During normal business hours, personal communications and obtaining information for personal and incidental uses of social media shall be limited to avoid conflicts or interference with legislative duties and responsibilities.
- (3) **Security:** Senate issued computers, laptops, mobile devices and other hardware, or wireless facility used for social media shall have up-to-date software to protect against destructive technical incidents, including but not limited to cyber, virus, and spyware/adware attacks.
- (4) **Approved Social Media:** Only social media approved by the Senate shall be used.

- (5) Content: Information and comments shared through social media shall be limited to the legislature, matters of legislative and current events that are factually accurate, and that are not private, confidential or proprietary in nature. Information and comments to be shared through the social media approved by the Senate shall not include information or comments that are:
- (a) Violent, obscene, profane, hateful, or racist;
 - (b) Personal attacks or abusive;
 - (c) Threatening, slanderous, or defamatory;
 - (d) Solicitations, endorsements, or promotions of products, or services of any financial, commercial or non-governmental agency;
 - (e) Suggestive or encouragement of illegal activity;
 - (f) Sexual;
 - (g) Discriminatory on the basis of race, creed, color, age, religion, gender, marital status, status with regards to public assistance, national origin, physical or mental disability or sexual orientation; and
 - (h) Confidential or personal including, but not limited to:
 - (i) Information that by law or practice is not available to the public and that an employee acquires in the course of the employee's official duties; or
 - (ii) Email addresses, telephone numbers, mailing addresses, and identification numbers, such as state or federal employee identification, social security, and drivers' licenses.

Chapter 3. Account Management

Sec. 3.1. Management of Senate Social Media and Approved Social Media Accounts

- (1) Senate Social Media: The Senate Communications Office shall manage the Senate social media, and shall:
- (a) Regularly monitor the content on the Senate's social media to ensure adherence to the Senate Social Media Use Policy for appropriate use, message and branding consistent with the goals of the Senate;
 - (b) Wherever possible, direct users of the Senate social media back to the Senate's official website for additional information, forms, documents or online services;
 - (c) Wherever possible, (in the event that a Senator has a Social Media account authorized by the Senate), and when appropriate and proper, direct users of the Senate social media to the Senator's social media;
 - (d) Whenever possible, institute available controls or settings to prohibit or limit the ability of the public to post information and comments that are inconsistent or that violate the Senate's social media policy on content of social media;
 - (e) Regularly monitor the content on the Senate's social media to insure that the use of the Senate social media comply with copyright, fair use and established laws pertaining to materials owned by others, including the use of quotes, images, documents, and links;
 - (f) Comply with the Hawaii Uniform Information Practices Act at Chapter 92F, Hawaii Revised Statutes; and
 - (g) Provide specific notice for all users of the Senate social media of the Senate's social media policies.

- (2) **Social Media Accounts:** The Senate Communications Office shall manage the use of social media by individual Senators, by Senate standing or leadership committees, and caucuses that are authorized to establish a social media account that is linked to the Senate's social media. As to the social media accounts that are approved by the Senate, the Senate Communications Office shall:
 - (a) List each approved social media account and identify the individual Senator and/or employee of the Senator that is responsible for managing the specific social media account;
 - (b) Insure that each social media account through its individual Senator or responsible managing employee is provided with the Senate's Social Media Use Policy;
 - (c) Monitor social media accounts on a daily basis to assure compliance with the Senate's Social Media Use Policy, and whenever, in the opinion of the Senate Communications Office, corrective action is needed, inform the individual Senator or employee identified as the person responsible for managing the specific social media account and an officer of the Senate of the corrective action.

Chapter 4. User Behavior

Sec. 4.1. User Behavior

- (1) **Officers and Employees of the Senate:** All officers and employees of the Senate that use social media for or related to legislative matters shall do so in conformance with the Senate Social Media Use Policy and in accordance with the same established standards, principles and guidelines in the Senate Administrative and Financial Manual that apply to all Senate employees in the performance of their assigned duties.
 - (a) Employees shall be authorized to use social media for legislative and/or limited personal or incidental use at the discretion of the supervising Senator, Committee, or Caucus;
 - (b) Employees authorized to use social media shall do so only within the scope defined by the Senate Social Media Use Policy and in compliance with all Senate Internet use policies; and
 - (c) Authorized employees representing the Senate, a Senate committee, a caucus, or a Senator via social media that fail to comply with the Senate Social Media Use Policy may be subject to disciplinary action, including termination of employment.
- (2) **Public Users:** To the extent that the social media policies established by the Senate for Senators and the officers and employees of the Senate do not impair or violate any rights guaranteed by the U.S. and State Constitutions and laws, public users should also comply with the Senate policies on social media. The Senate Communications Office shall give notice to all public users of the Senate social media of the Senate's Social Media Use Policy, together with notice that the Senate reserves the right to delete any information or comment that clearly violate the law or the rights of any individual.