

Shared Employee Manual

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Overview of Guidelines

Purpose of Guidelines

The following guidelines have been prepared by the Office of the Chief Administrative Officer (CAO) and are being issued by the Committee on House Administration (CHA) in response to the recommendations outlined by the Office of Inspector General (OIG) Special Report, *Controls Over Shared Employees Need Significant Improvement*, published on May 21, 2008. In this report, the OIG provides recommendations for improving the general oversight and management of “Shared Employees” within the U.S. House of Representatives (House).

These guidelines are an expansion of CHA Resolution #110-7 (copy in Appendix 1).

All Shared Employees will receive a copy of this document and must verify that they have reviewed and understand the guidelines by signing the Acknowledgment of Receipt and Understanding of Shared Employee Manual and Certification of Continuing Compliance with the Mandatory Provisions Incorporated Therein (copy in Appendix 2).

A summarized listing of the statutes and regulations that apply to Shared Employees is in Appendix 4.

Overview of Shared Employees

Definition of Shared Employees

Per Member’s Handbook

The term “Shared Employee,” as defined by CHA, refers to an employee who is paid by more than one employing authority of the U.S. House of Representatives.¹ *However, these guidelines only shall apply to those Shared Employees who work for three or more offices, independent of each other.*

The following guidelines are set forth in the Member’s Handbook, which outline the policy on Shared Employees.

1. Two or more employing authorities of the House may employ the same individual.
2. Shared Employees must work in the office of an employing authority, but are not required to maintain office space in the office of each employing authority. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification.

¹ Member’s Handbook, Committee on House Administration, pg. 11.

Shared Employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.

3. Employees may not be shared between a Member or Committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to financial information, payroll information, equipment account information, or information systems of either Member, Committee, or Leadership offices.

Policies and Procedures

Disclosure of Shared Employee Status

Per CHA Committee Resolution # 110-7

In accordance with CHA Committee Resolution # 110-7, "Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to inform each employing authority in writing of the employee's employment status and any change in employment status with other employing authorities." This disclosure shall include the names of the individual Members for whom the shared employee works.

In addition, Shared Employees shall formally notify within 30 days, in writing, the offices for which they work of changes to employment, be it acquiring a position with additional offices or resignation from an office. A sample disclosure notice is included in this document as Appendix 3.

Quarterly, the CAO shall formally notify offices employing a Shared Employee of the offices for which the Shared Employee works.

Financial Disclosure Statement

Per CHA Committee Resolution # 110-7

In accordance with CHA Committee Resolution # 110-7, "Each House employee who is simultaneously employed by three or more House employing authorities for more than 60 days during a calendar year must file a Financial Disclosure Statement under 5 U.S.C. app § 101 et seq. by May 15 of each year." This statement is required regardless of total compensation for the year.

By January 15 of each year, the CAO will notify the Office of the Clerk in writing of those Shared Employees who need to file a Financial Disclosure statement for the preceding calendar year.

Supervision

It is important that Shared Employees receive adequate supervision in their day-to-day duties and responsibilities as it pertains to their assigned positions. Shared Employees are responsible for ensuring the supervisors

in each of their respective House offices and entities receive the necessary information to properly and timely account for their specific work hours and location.

It is recommended that supervision include the following:

- Maintaining, reviewing and authorizing the employee's time and attendance record.
- Conducting weekly status report meetings on the work activities that the employee is currently assigned.
- Performing regular reviews of the employee's performance and functional expertise.
- Ensuring employees attend all mandatory training on a regular basis.

Job-sharing

Per House Ethics Manual

House employees, including Shared Employees, shall not share their job duties with other individuals employed by different Member or Committee offices or individuals who are not on the House payroll.

Subcontracting

Per House Ethics Manual and 2 U.S.C. § 101

House employees, including Shared Employees, are prohibited from subletting any portion of their official duties to someone else.^{2, 3}

External Employment and Contracting Arrangements

Per CHA Committee Resolution # 110-7

Per CHA Committee Resolution # 110-7, "Any Shared Employee engaged in any outside employment or business activity may not directly, or indirectly through such outside employment or business activity, sell, lease, or otherwise provide any goods or assets to any House office or entity."

Background Investigations

Due to the sensitive nature of the information to which Shared Employees may be exposed during day-to-day job functions, it is recommended that Member and Committee offices request a Capitol Police Criminal History Records Check on potential Shared Employees.

² House Ethics Manual, Committee on Standards of Official Conduct, 110th Congress, 2nd Session, 2008 ed., pg. 279.

³ See 2 U.S.C. § 101.

Shared employees should contact the CAO Office of Human Resources, within 30 days of signing the Acknowledgment of Receipt and Understanding of the Shared Employee Manual, to arrange for the background investigation.

After receiving the results, the Office of Human Resources will provide the results to the Office of Administrative Counsel. Shared employees and the employing offices will be notified by the office of the Administrative Counsel of the results of the background investigation. In the event that an item appears on the background investigation report, the employing office is encouraged to work with the shared employee to determine the circumstances of the item before taking any action on that item. "

Internal Controls

House offices and entities must maintain an environment that supports a strong internal control structure to achieve increased effectiveness and efficiency of operations and minimize exposure to risk. The U.S. Government Accountability Office (GAO) Standard for Internal Control in the Federal Government provides the overall framework for establishing and maintaining internal controls.

Shared Employees, particularly those serving as Financial Administrators, play a key role in processing and recording financial transactions for House offices and entities. As a result, Shared Employees also need to be an integral part of ensuring that adequate internal controls exist over financial transactions.

An effective system of internal controls may be defined as one where the accounting work of one employee is complemented and verified by the work of another employee – both employees working independently and without duplication of each other's work. Related to the duties of Shared Employees, there are basically three functions (Authorization, Recording, and Custody) that have a significant effect on internal controls. As a rule, no one person should be in control – working independently and without review or oversight – of two or more of these functions. In an ideal world, there would be segregation of duties separating the staff that performs the authorization, recording and custody functions. However, this is not always possible in a small office. In these instances, compensating controls, which generally involve control activity after the transaction is complete, must be developed and used.

The following example considers one of the primary Shared Employee scenarios and reviews the internal and compensating controls involved. If a Shared Employee drafts the required forms to initiate a financial transaction, a more senior office employee will perform the authorization function by reviewing the forms for correctness and completeness before providing their signed approval. The Shared Employee will continue to record transactions into the financial books for the office; however a more senior employee of the office would review monthly financial reports and selected transactions to ensure the accuracy and completeness of the transactions. Finally, items ordered for the office will be delivered to the

office and signed for by an individual other than the Shared Employee (constituting custody). This will also eliminate the Shared Employee receiving office goods at locations other than an official House location. The scenario described in this example provides segregation of duties and compensating controls over the financial transaction.

Telecommuting

Per CHA Telecommuting Policy

The definition of “telecommuting,” as defined by CHA: *“is a working arrangement, mutually agreed upon by the employee and the employing office, whereby the employee works at an alternative work site on specified days and/or for specified hours.”*⁴

Member and Committee offices may allow Shared Employees to telecommute; however, Shared Employees must abide by the House Telecommuting Policy, established by CHA.⁵ Specific aspects of this policy include, but are not limited to:

Telecommuting employees are required to sign a Telecommuting Agreement prior to participation in the employing office's telecommuting program.

The “alternative work site” must be approved by the employing office for use by qualified employees as a location from which the employees may telecommute (e.g., residence or telecommuting center). The alternative work site may not be a political, campaign, or commercial office. The alternative work site must be approved by all House offices and entities for which the Shared Employee will be performing work at that alternative work site.

Use of Personal Equipment

Per CHA Telecommuting Policy

As outlined in the House Telecommuting Policy, established by the CHA, except for telecommuters utilizing commercial or government telecommuting centers, the telecommuting employee may only use computer hardware and software supplied by the House. The House retains ownership and control of any and all hardware, software, equipment, data or documents placed in alternative work site. Only portable (e.g., desktop or laptop computers, portable facsimile machines, and portable copiers) House equipment may be transferred to the alternative work site.⁶

⁴ Committee on House Administration, United States House of Representatives, Telecommuting Policy, on the Internet at http://cha.house.gov/telecommuting_policy.aspx (visited June 10, 2008).

⁵ Committee on House Administration, United States House of Representatives, Telecommuting Policy, on the Internet at http://cha.house.gov/telecommuting_policy.aspx (visited June 10, 2008).

⁶ Committee on House Administration, United States House of Representatives, Telecommuting Policy, on the Internet at http://cha.house.gov/telecommuting_policy.aspx (visited June 10, 2008).

A Shared Employee may use equipment supplied by one office by which he or she is employed for all work performed on behalf of the House.

Information Security

Per HISPOL 10.0

Shared Employees, while conducting official duties, shall utilize House assigned email accounts for all Internet communication to House entities. The use of other personal or commercial email accounts is strictly prohibited. Shared Employees are to follow all House Information Security Policies (HISPOLs). Current HISPOLs for all House employees can be found on HouseNet.

Record Storage

Per HISPOL 2.0

Shared Employees must have an established system to keep all House paper records secure. Shared Employees shall notify employing offices of the systems in place to secure all sensitive office information.

Original documents should be stored in the physical location of the House office or entity employing the Shared Employee. Shared Employees may take only secondary copies, either saved to an automated medium or paper copies, to an alternative work site.

APPENDIX 1: Committee Resolution #110-7

COMMITTEE ON HOUSE ADMINISTRATION 110TH CONGRESS

COMMITTEE RESOLUTION # 110-7 7/30/08

Resolved, that the regulations of the Committee on House Administration pertaining to shared employees are amended as follows:

1. Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to inform each employing authority in writing of the employee's employment status and any change in employment status with other employing authorities;
2. (Upon Committee approval of the Shared Employee Manual) -- Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to file with the House Finance Office a signed Acknowledgment of Receipt and Understanding of Shared Employee Manual and Certification of Continued Compliance upon becoming simultaneously employed by three or more employing authorities. (see attached *Acknowledgement and Certification*)
3. Each House employee who is simultaneously employed by three or more House employing authorities for more than 60 days during a calendar year must file a Financial Disclosure Statement under 5 U.S.C app§ 101 et. seq. by May 15 of each year.
4. Any House employee engaged in any outside employment or business activity may not directly, or indirectly through such outside employment or business activity, sell, lease, or otherwise provide any goods or assets to any House office or entity.

Resolved further, that the Chairman of the Committee on House Administration is authorized to make technical and conforming amendments to the above regulations upon issuance and inclusion in the Congressional Handbooks.

APPENDIX 2: Acknowledgment of Receipt and Understanding of
Shared Employee Manual
and Certification of Continuing Compliance with
The Mandatory Provisions Incorporated Therein

Revised: March 2009

As a Shared Employee, I, _____, hereby certify that:

- I have received a copy of, reviewed and understand the Shared Employee Manual.
- I understand that the Manual is intended to provide me with both general and specific information about House practices, policies, and procedures attendant to being a shared employee of three or more employing authorities.
- I will maintain office space the offices of one of the employing authorities for whom I work.
- The pay I receive from each employing authority will reflect the duties actually performed for each employing authority.
- I will not work for both a Member or Committee and an Officer of the House if, as an employee of an Officer, I have access to financial information, payroll information, equipment account information, or information systems of a Member, Committee, or Leadership office.
- I will inform each employing authority, in writing, of all of the offices for which I am working, and will inform each employing authority, in writing, of any change in this status.
- If I am employed simultaneously by three or more House employing authorities for more than 60 days during a calendar year, I will file a Financial Disclosure Statement by May 15th of each year, pursuant to 5 U.S.C. App. §101 et seq.
- I will neither share my job duties nor sublet any portion of my official duties.
- I will not sell, lease, or otherwise provide any goods or assets to any House office or entity through any outside employment or business activity.
- I will abide by the House Telecommuting Policy.
- I will utilize House assigned email accounts for all of my work for House offices.
- I will have an established system to keep all House records under my control secure.
- I acknowledge and understand that employment within the House is at-will, and that each employee serves at the pleasure of the employing authority(s).
- I understand and acknowledge that the Shared Employee Manual does not create an actual or implied contract of employment, nor confer any right to remain an employee of any House office, nor otherwise change in any respect the employment-at-will relationship between employing authority(s) and myself.
- I am currently, and will take all necessary steps to remain, in compliance with the mandatory provisions of law and regulation described in the Shared Employee Manual, and will abide by all House statutes, rules and regulations, whether they are or are not noted in this certification or the Shared Employee Manual.
- I will execute an updated version of this certification at the start of each Congress or as requested by the Committee on House Administration.

(Signature of Shared Employee)

(Date)

APPENDIX 3: Notice to House Employing Authorities of Change in Employment Status

To: Rep. ABC, Chairman DEF, Rep. KLM, Rep. XYZ
(all Employing Authorities)

From: Jenny Threejobs (shared employee)

Date:

Pursuant to Committee on House Administration Resolution # 110 – 7, this notice is to inform you of the offices for which I am currently working, as a Shared Employee:

Current Employing Authorities:

Office	Title
Rep. ABC	Shared Employee
Committee DEF	Shared Employee
Rep. KLM	Shared Employee

Dropped Employing Authorities:

Office	Title
Rep. XYZ	Shared Employee

cc: Payroll & Benefits

APPENDIX 4: Statutes and Regulations that Apply to Shared Employees

Statutes

2 U.S.C. 101

No employee of Congress, either in the Senate or House, shall sublet to, or hire, another to do or perform any part of the duties or work attached to the position to which he was appointed.

5 U.S.C. App 101 -111 {These sections detail requirements for filing a Financial Disclosure Statement. }

House Regulation

House Ethics Manual, p. 279 – All House employees cannot share job duties and cannot sublet

CHA Regulations

CHA Committee Resolution #110-7 – Shared employee’s notification requirements

House Telecommuting Policy

Telecommuting is a working arrangement, mutually agreed upon by the employee and the employing office, whereby the employee works at an alternative work site on specified days and/or for specified hours.

Telecommuting employees are required to sign a Telecommuting Agreement prior to participation in the employing office's telecommuting program.

“The Alternative Work Site” must be “approved by the employing office for use by qualified employees as a location from which the employees may telecommute (e.g., residence or telecommuting center). The alternative work site may not be a political, campaign, or commercial office.”

Except for telecommuters utilizing commercial or government telecommuting centers, the telecommuting employee may only use computer hardware and software supplied by the House. The House retains ownership and control of any and all hardware, software, equipment, data or documents placed in alternative work site. Only portable (e.g., desktop or laptop computers, portable facsimile

machines, and portable copiers) House equipment may be transferred to the alternative work site.⁷

Members' Handbook – Definition of Shared Employee

CAO Regulations

HISPOL 002.0

Users must take measures to limit who can access files and printed information – only those who need the information should be able to get it.

HISPOL 010.0

Users of House sensitive information must not store or transmit sensitive information on any public access system such as e-mail or via the Internet without protective measures (e.g., using encryption).

⁷ Committee on House Administration, United States House of Representatives, Telecommuting Policy, on the Internet at http://cha.house.gov/telecommuting_policy.aspx (visited June 10, 2008).