

# **A Report to the General Assembly – November 2022**

## **Executive Summary on Legislative Assistant Compensation and Benefits:**

- During the 2022 Special Session I, the General Assembly requested a review, evaluation, and recommendations on the compensation and benefits provided to legislative assistants with a report to be completed by November 1, 2022. The report was to be conducted by the Clerk of the House of Delegates and the Clerk of the Senate of Virginia, in coordination with staff of the House Appropriations Committee and the Senate Finance and Appropriations Committee.
- Existing budget language provides that one legislative assistant of a member of the General Assembly may be deemed a “state employee” and be eligible for participation in the Virginia Retirement System (VRS), the group life insurance plan, the VRS short- and long-term disability plans (upon approval of the Joint Rules Committee), and the state health insurance plan. Additional language specifies that the legislative assistants shall not receive sick leave or family and personal leave.
- A review of other states via the most recent survey from the National Conference of State Legislatures (NCSL, 2010) and conversations with their staff found that it is unusual for a part-time or secondary legislative assistants to get benefits. In addition, the survey found that full-time jobs may not be benefited if they are session-only, and that this is typical in states where session is less than three months.
  - Survey results also showed that when legislative assistants were hired via a Clerk’s office, a caucus, or the equivalent, it was more common for employees to be salaried and benefited even if they were not the primary personal staffer.
- Members of the General Assembly may wish to consider extending a review of this topic during the 2023 Session. The review did not result in specific recommendations on this topic by the end of this evaluation.

## **Compensation and Benefits for Virginia General Assembly Legislative Assistants:**

In the Commonwealth of Virginia, the Appropriation Act governs the compensation and benefits of legislative assistants in the House of Delegates and the Senate. Chapter 2 (2022 Special Session I, Virginia Acts of Assembly) contains several relevant paragraphs under Item 1 (General Assembly of Virginia) that set both the practices regarding salaries, per diems, and benefits.

The main paragraph that has governed the discussion around the allowable number of full-time legislative assistants (only one) that can receive benefits is under Item 1, paragraph C:

*C. One legislative assistant of a member of the General Assembly regularly employed on a twelve (12) consecutive month salary basis receiving 60 percent or more of the salary allotted pursuant to paragraph B.3.d.1, may, for the purposes of §§ 51.1-124.3 and 51.1-152, Code of Virginia, be deemed a "state employee" and as such will be eligible for participation in the Virginia Retirement System, the group life insurance plan, the VRS short and long term disability plans, and the state health insurance plan. Upon approval by the Joint Rules Committee, legislative assistants shall be eligible to participate in the short and long-term disability plans sponsored by the Virginia Retirement System pursuant to Chapter 11 of Title 51.1, Code of Virginia. Such legislative assistants shall not receive sick leave and family and personal leave benefits under this plan. Short-term disability benefits shall be payable from the Legislative Reversion Clearing Account.*

This existing budget language provides that one legislative assistant of a member of the General Assembly may be deemed a "state employee" and be eligible for participation in VRS, the group life insurance plan, the VRS short- and long-term disability plans (upon approval of the Joint Rules Committee), and the state health insurance plan. The language also specifies that the legislative assistants shall not receive sick leave or family and personal leave.

Additionally, salaries, support costs, and per diems for legislative assistants are set in language under Item 1, B.2.d.1.-i:

*d.1. \$46,332 per calendar year for the compensation of legislative assistants for each member of the House of Delegates and \$52,123 for the compensation of legislative assistants for each member of the Senate. Salary increases granted shall be governed by the provisions of Item 483 of this act.*

*2. In addition, \$17,374 per calendar year for each member of the House of Delegates and \$11,583 per calendar year for each member of the Senate to provide compensation for additional legislative assistant support costs incurred during the legislative session and in the operation of legislative offices within members' districts. Salary increases granted shall be governed by the provisions of Item 483 of this act.*

*e. The per diem for each legislative assistant of each member of the General Assembly, including the Speaker of the House of Delegates. Such per diem shall equal the amount authorized per session day for General Assembly members in paragraph B.5, if such legislative assistant maintains a temporary residence during the legislative session or an extension thereof and if the establishment of such temporary residence results from the person's employment by the member. The per diem for a legislative assistant who is domiciled in the City of Richmond or whose domicile is within twenty miles of the Capitol shall equal thirty-five percent of the amount paid to a legislative assistant who maintains a temporary residence during such session. For purposes of this paragraph, (i) a session day shall include*

*such days as shall be established by the Rules Committee of each respective House and (ii) a temporary residence is defined as a residence certified by the member served by the legislative assistant as occupied only by reason of employment during the legislative session or extension thereof. Notwithstanding the provisions of (i) of the preceding sentence, if the House from which the legislative assistant is paid is in adjournment during a regular or special session, he must show to the satisfaction of the Clerk that he worked each day during such adjournment for which such per diem is claimed.*

*f. A mileage allowance as provided in § 2.2-2823 A, Code of Virginia, and as certified by the member. Such mileage allowance shall be paid to a legislative assistant for one round trip between the City of Richmond and such person's home each week during the legislative session or an extension thereof when such person is maintaining a temporary residence.*

*g. Per diem and mileage shall be paid only to a person who is paid compensation pursuant to § 30-19.4, Code of Virginia.*

*h. Not more than one person shall be paid per diem or mileage during a single weekly pay period for serving a member as legislative assistant during a legislative session or extension thereof.*

*i. No person, by virtue of concurrently serving more than one member, shall be paid mileage or per diem in excess of the daily rates specified in this Item.*

Additional allowances for legislative assistants are set out regarding various member leadership positions.

The language to examine the compensation and benefits of legislative assistants was adopted during the budget conference report (2022 Special Session I) to obtain additional information on this topic under Item 1:

*P. The Clerk of the House of Delegates and the Clerk of the Senate of Virginia, in coordination with staff of the House Appropriations Committee and the Senate Finance and Appropriations Committee, shall review and evaluate the compensation and benefits currently provided to legislative assistants and deliver a report containing recommendations on any changes to such compensation and benefits to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2022.*

The adopted Senate budget during the regular 2022 Session (SB 30) had included funding to provide the employer's share of health insurance premiums for each member's second legislative assistant at a cost of \$0.9 million GF per year. Members of the Senate have funding that can be used for a second or multiple part-time, wage, and non-benefited legislative assistants.

As part of the evaluation process, staff were provided estimates from both the House and Senate Clerks' offices and a calculated low-range cost for an additional full-time and benefited legislative assistant would be approximately \$10.5 million GF per year for both bodies.

Additional feedback from the Clerks' offices showed that specific legislative assistants requested access to a training and/or a travel pool and consideration for seniority or a career ladder. As such, members of the General Assembly may wish to consider extending a review of this topic during the 2023 Session.

### **Case Studies from NCSL Survey Results and Other Staff Review Activities:**

A review of other states via the most recent survey from the National Conference of State Legislatures (NCSL, 2010) and conversations with their staff found that it is unusual for a part-time or secondary legislative assistants to get benefits. In addition, the survey found that full-time jobs may not be benefited if they are session-only, and that this is typical in states where session is less than three months. Survey results also showed that when legislative assistants were hired via a Clerk's office, a caucus, or the equivalent, it was more common for employees to be salaried and benefited even if they were not the primary personal staffer. Below are some relevant case studies from other states.

The following states were chosen because their personal staffing structure is similar in some way to Virginia's. Information in this document was compiled from a NCSL survey, conversations with a NCSL staff member, and individual searches of job postings and budget language from the selected states.

#### Louisiana

Members of the House and Senate are given a pot of money that they can split between the legislative assistants (LAs) they hire. Members are responsible for hiring and setting salaries and can receive a larger pot of money as their years of service increase. In the Senate, only the primary (and presumably full-time) LA is eligible for benefits. Of the case studies identified here, Louisiana's structure is most similar to Virginia's.

#### North Carolina

Every legislator can have one staff member and are responsible for their hiring (with minimal oversight in the Senate). Senators can also hire a research assistant and are allotted more personal staffers if they are in leadership. Salaries are determined by the presiding officer in the House, and by a salary schedule in the Senate. Money does not seem to be allocated directly to the member for personal staffing, and it appears that all full-time positions include benefits.

### Oregon

Both the House and the Senate have two staffers per legislator, and the member is responsible for hiring. A [job posting](#) shared by a contact at NCSL for a limited duration, full-time position advertised full benefits. The time frame for the job is six months (roughly the length of Oregon's odd-numbered year sessions). It appears that there are opportunities for promotion, presumably based on years of service and performance, with a pay raise outlined in the House and Senate rules, which set salaries.

### Washington

Senators can have one full-time staffer and one session-only staffer. Leadership and the chairs of the fiscal committees get one extra full-time staffer. House members get one year-round staff person. Staff members are provided by the House and Senate, and the member does not receive money to hire their own staff (although they do make the hiring decision). Each chamber has a salary plan, and full-time positions are fully benefited. Part-time, session-only staffers do not receive benefits.

## **Compilation of Other State Information on Legislative Assistant Compensation and Benefits<sup>1</sup>**

### **What is the general structure of personal staffing?**

| <b>Structure</b>                                  | <b>Number of Chambers</b> |
|---|---------------------------|
| One personal staff member provided to one member  | 17                        |
| Two personal staff members provided to one member | 11                        |
| Members given funds to hire personal staff        | 9                         |
| One personal staff member provided to two members | 8                         |
| One personal staff member provided to 3+ members  | 6                         |
| 3+ personal staff members provided to one member  | 4                         |

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<sup>1</sup> Data in the following tables comes from the NCSL Summary of Personal Staff Survey, released in 2010. This is the most current version of the survey, but they are planning to conduct an update within the year. The full report can be found here: <chrome-extension://efaidnbnmnnibpcjpcglcfindmkaj/https://www.ncsl.org/Portals/1/documents/legismgt/personalstaffsurvey.pdf>

**Who is responsible for hiring personal staff?**

| <b>Responsible for Hiring Staff</b>              | <b>Number of Chambers</b> |
|--|---------------------------|
| Member   | 38                        |
| Presiding Officer or his/her designee            | 8                         |
| Leader of Legislative Caucus or his/her designee | 4                         |
| Chief Clerk or Secretary                         | 6                         |
| Human Resource Officer                           | 1                         |
| Other  | 4                         |
| Does not employ personal staff                   | 30                        |

Notable Exceptions:

- Alabama: Secretary of the Senate’s office hires and employs personal staff, but the Senator selects them.
- California: Members recommend who to hire, but staffers are employed by the Assembly Rules Committee.
- Georgia: The Senate’s HR Director hires staff in collaboration with Senators.
- North Carolina: Senate’s Director of Legislative Staff can screen applicants before members conduct interviews.

**Who determines the salary of personal staff?**

| <b>Position that Determines Salary</b> | <b>Number of Chambers</b> |
|--|---------------------------|
| Member                                 | 16                        |
| Presiding Officer                      | 9                         |
| Leader of Legislative Caucus           | 2                         |
| Chief Clerk or Secretary               | 9                         |
| Human Resource Officer                 | 6                         |
| Other                                  | 15                        |
| Does not employ personal staff         | 30                        |

Notable Exceptions:

- Alabama: The Senate has a formula that calculates salary based on years of service, the Senator’s leadership position, and other criteria.
- California: Members recommend a salary, but it is approved by the Assembly Rules Committee (the hiring body).
- Iowa: The Senate and House agree on a joint resolution that sets out a pay scale.
- North Carolina: Has a salary schedule.

### **NCSL 2010 Survey:**

- Survey can be found [here](#).
- NCSL will be conducting an update to this survey at some point soon, according to the Director of the Center for Legislative Strengthening at NCSL.
- This survey was sent to 99 chambers in 50 states – Nebraska’s legislature is unicameral.
- Of the 90 responding chambers, 61 have personal staff.
  - 40 chambers have year-round staff
  - 9 have session only staff
  - 12 chambers have some combination of both
- 55 chambers offer benefits to their LAs and personal staff. 51 of those chambers offer the same package of benefits as other legislative staff, but it is not clear what the difference in benefits entails in the four other states.
- 48 chambers give their personal staff annual leave, and 49 give sick leave.