

Shared Employee Manual



Committee on House Administration

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PURPOSE

The following regulations and guidelines have been prepared 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 and the OIG Special Report, *Follow-up Audit: Controls over Shared Employees Need Significant Improvement*, published on January 31, 2012. In these reports, the OIG provides recommendations for improving the general oversight and management of “shared employees” within the U.S. House of Representatives (House).

The Shared Employee Manual regulations apply to any employee who is simultaneously employed by three or more offices and include specific requirements that apply to shared employees with privileged access to the House network or are designated as a financial point of contact. This document replaces the “Shared Employee Manual” which was published by the Chief Administrative Officer (CAO) in 2009 and is intended to implement controls and set specific requirements to reduce the overall risk to the House and ensure that shared employees and their employing authorities are aware of their responsibilities.

All shared employees will receive a copy of this document and will be required to verify that they have reviewed and understood the regulations and guidelines by signing the *Acknowledgment of Receipt and Understanding of Shared Employee Manual and Certification of Continuing Compliance with the Mandatory Provisions Incorporated Therein* (Appendix A).

All shared employees must comply with all applicable federal laws, Rules of the House, the *Members’ Congressional Handbook*, *Committees’ Congressional Handbook*, *Telework Policy for Member and Committee Offices*, *User’s Guide for Member and Committee Offices* and the House Ethics Manual.

GENERAL

1. Any individual who is employed by three or more offices must receive a background check upon becoming simultaneously employed by three or more offices and at the beginning of each Congress. If a shared employee currently holds a security clearance, then that clearance will fulfill the requirement of a background check.
2. Pursuant to 5 U.S.C § 13101 et seq., 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 by May 15 of each year.
3. 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.
4. Each employing authority must ensure that the salary being paid to a shared employee is commensurate with the official duties performed for their office pursuant to House Rule XXIII, clause 8(a).
5. Shared employees must be employed by an office to conduct any official business on behalf of the office.
6. Pursuant to 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.”
7. 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.
8. Shared employees must follow all House policies and procedures including those related to transitions, asset management, and procurement.
9. Shared employees should disclose to each employing authority a list of the other offices for which they work and their primary duty station if it is somewhere other than Washington, D.C. prior to accepting an offer of employment. On a quarterly basis, the Office of Payroll and Benefits will send offices who have a shared employee a list of the other offices for which the employee works.
10. Shared employees must file with the Office of Payroll and Benefits an *Acknowledgement of Receipt and Understanding of Shared Employee Manual and Certification of Continued Compliance* upon becoming simultaneously employed by three or more employing authorities and at the beginning of each calendar year.

MANAGEMENT & SUPERVISION OF SHARED EMPLOYEES

Shared employees are not contractors and should not be treated as such. Shared employees, as with all employees, should receive adequate management and supervision in their day-to-day activities to ensure that they are fulfilling their job duties and responsibilities as pertain to their assigned positions. Accordingly, the Committee suggests employing authorities take the following steps:

1. Prepare a written job description which lists the shared employee's duties and responsibilities, including the number of hours per week or per month that the employee will be working for the office. Shared employees are prohibited from subletting or hiring someone else to perform the duties for which they were appointed. If an office has two employees conducting similar types of duties, the office should ensure that each employee's job description clearly states which specific duties that employee will perform.
2. Ensure that pay must be commensurate with duties. Employing authorities need to consider the type of work that is being conducted by their shared employees and the time it takes to complete that work when setting an employee's salary. There is no "one-size fits all" approach to setting a salary even though a shared employee may be conducting similar duties for multiple offices. The amount of work and/or time it takes to complete a particular task may vary from office to office and the employee's salary should accurately reflect the work conducted for each office.
3. Institute weekly status checks on the work performed and the hours worked and maintain this information in the employee's personnel record. Shared employees are responsible for ensuring the supervisors in each of their respective employing offices receive the necessary information to properly and timely account for their specific work hours and location(s).
4. Establish regular recurring meetings where the shared employee meets with his or her supervisor. At a minimum, supervisors should have a monthly meeting with a shared employee to touch base on tasks performed, issues noted, escalating issues, and to make process and improvement suggestions, as appropriate. Offices should not rely on one shared employee to provide updates on behalf of other employees or to be the intermediary between the office and another shared employee.
5. Perform regular reviews of the shared employee's performance and functional expertise.
6. Ensure shared employees complete all mandatory training on an annual basis.
7. Ensure compliance with the Congressional Accountability Act (CAA), and that all shared employees are aware of their rights under the CAA.

BACKGROUND CHECKS

Shared employees are required to undergo a background check when they first begin working for a third office and at the beginning of each Congress. The CAO will request that the United States

Capitol Police (USCP) conduct the criminal background check. If an employee currently holds a security clearance, then that will fulfill this requirement.

The USCP adjudicates the background check using House-provided criteria and notifies the CAO if the employee passed or failed the background check but does not provide any details of the background check.

- If the employee passes the background check, then the employee is notified and the intake process of the shared employee continues.
- If an employee fails a background check, then that individual will be notified as well as the employing office and the employee will be disqualified from gaining access to the House financial system and privileged access to the House network. The employing office may appeal the decision and may obtain a copy of the background check with the consent of the employee.

PRIMARY DUTY STATION

Pursuant to the *Members' Congressional Handbook* and *Committees' Congressional Handbook* regulations:

“Shared employees must work out of the office of an employing authority but are not required to work in the office of each employing authority. The primary duty station for any employee shared with three or more employing authorities is either Washington, D.C. or the District of one of his or her employing authorities, which is determined by the location of the employee’s primary residence. All employing authorities must agree in writing to the designation of the shared employee’s primary duty station to ensure they are aware of the potential cost to their official funds to cover travel expenses if the shared employee’s primary duty station is not in Washington, D.C.”

See Appendix B, *Agreement of Designation of Shared Employee’s Primary Duty Station*.

TELEWORK

Member and Committee offices may allow a shared employee to telework; however, shared employees must abide by the *Telework Policy for Member and Committee Offices* (Telework Policy). Pursuant to the Telework Policy, prior to an employee teleworking, a Telework Agreement must be signed by the employing authority which stipulates the terms of the employee’s teleworking arrangement, including specifying the alternate work site, whether the employee is eligible for routine, situational, or unscheduled telework and stating the duties and responsibilities of both the employing authority and the employee. For a shared employee, the Telework Agreement should be with the employing authority whose office is designated as the employee’s primary duty station.

OFFICIAL RESOURCES

ACTIVE DIRECTORY ACCOUNTS

Shared employees' Active Directory (AD) accounts will be maintained in an Administrative Shared Employee Organizational Unit (OU).

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 for conducting official duties is strictly prohibited.

EQUIPMENT

All official work must be conducted on official equipment. Offices must keep track of equipment that is issued to a shared employee and ensure the equipment is returned upon the employee's termination. Equipment cannot be transferred from one office to another unless an Equipment Transfer Form is signed by both employing authorities, consistent with the *Users' Guide for Member and Committee Offices*, and emailed to HouseInventory@mail.house.gov.

HOUSE ID

The office designated as the employee's primary duty station should be the office that issues the employee a House ID.

OFFICIAL DOCUMENTS

Shared employees must ensure that hard copies of official documents for all their offices are kept in a secure location and that no documents are shared among other offices or accessible by anyone other than the employees of that employing authority. Shared employees must ensure that official electronic documents for each office within their AD account are maintained in separate and clearly identifiable directories for that office and that no documents are shared among offices.

If an employing Member departs office or the employment of a shared employee is terminated with an office, the shared employee must consult with that employing authority for guidance on how all official documents (hard copy and electronic) within their possession for that Member office are to be appropriately disposed of or returned.

Under no circumstance should shared employees have bills or invoices for an employing office directly mailed by a vendor to the shared employee's residence. All bills and invoices should be mailed directly to the office of the employing authority and then routed to the shared employee.

TRAVEL REIMBURSEMENT

Official travel must be conducted in a manner consistent with all applicable House Rules, the *Members' Congressional Handbook*, and *Committees' Congressional Handbook*. A shared employee should be reimbursed for travel expenses deriving from the official funds of the office for which the employee was conducting official travel.

SHARED FINANCIAL ADMINISTRATORS

While shared financial administrators can advise on what types of expenses are reimbursable, it is ultimately the Member or Committee Chair who is personally liable for any expense that is incurred that is not reimbursable and for any expenses incurred that exceed the office's legislative year authorization. It is essential that the Member, Committee Chair and/or the Chief of Staff/Staff Director be familiar with the regulations governing the use of the official funds including the *Members' Congressional Handbook* or *Committees' Congressional Handbook*, the *Ethics Manual*, and House Rules

The Member, Committee Chair or the Chief of Staff/Staff Director should be involved in setting the office's budget and reviewing the Monthly Financial Statement and Payroll Certification Form each month.

1. Shared financial administrators must complete all required training to become a financial point of contact and to be provided with access to the House's financial systems.
2. Offices may designate no more than two shared employees as a financial point of contact for both financial and payroll actions and granted access to the House Financial network.
3. Any individual who is employed by three or more offices may not be assigned the role of eVoucher Approver or delegated with the authority to approve payroll actions.
4. A permanent employee, that is employed by no more than two offices, must be designated as the eVoucher Approver and final approver of all payroll actions. The Committee strongly recommends that the Chief of Staff/Staff Director or another senior-level staffer be delegated with authority to approve payroll and financial transactions on behalf of the Member or Committee Chair.
5. Member and Committee offices are prohibited from contracting with firms or individuals for financial services. Only an individual employed by the House will be provided with access to the House financial system and authorized to process financial and payroll transactions.

SHARED SYSTEMS ADMINISTRATORS

Offices should be familiar with the House of Representatives Information Security Policy (HISPOL) 16 Privileged Account Management and Security which documents requirements associated with authorizing, managing and using Privileged User Accounts on the House of Representatives information systems.

Shared systems administrators are required to take all the training required to obtain privileged access to the House network and must comply with all the House's technical standards for systems administrators including all House Information Security Policies (HISPOLs) and House Information Security Publications (HISPUBs).

1. Shared systems administrators must notify the CAO when privileged access is no longer required.

2. Shared systems administrators shall not access office data, including email, calendars or shared documents, without proper authorization.
3. Offices and shared systems administrators must ensure that there is no comingling or sharing of equipment across offices as well as no shared infrastructure, file services, applications, etc.
4. Offices shall not share infrastructure, file servers, application servers, etc.

Pursuant to HISPOL 16, Violations of Compliance: “Users that fail to comply with any element of this policy assume and accept responsibility for any risks and damages associated with non-compliance. HIR is authorized to take appropriate action for non-compliance with any element of this policy where there is a demonstrable and imminent risk of compromise or exposure of House data. This action may include but is not limited to the following:

- Disabling of the affected information system, application, asset, or system.
- Suspension of access privileges.

Violators of this policy may also be (1) referred to the Committee on House Administration or Committee on Ethics as appropriate or (2) subject to appropriate disciplinary action by their employer.”

APPENDIX A: SHARED EMPLOYEE ACKNOWLEDGEMENT

Acknowledgment of Receipt and Understanding of Shared Employee Manual and Certification of Continuing Compliance with the Mandatory Provisions Incorporated Therein

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

I have received a copy of, reviewed the Shared Employee Manual, which 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 understand that:

- I must maintain office space in the offices of one of the employing authorities for whom I work. If my primary duty station is a location other than Washington, D.C., then I will obtain written verification that all my employing authorities are aware of and approve of the location.
- The pay I receive from each employing authority will reflect the duties performed for each employing authority.
- I may 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 file a Financial Disclosure Statement, 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 *Telework Policy for Member and Committee Offices*.
- I will utilize House-assigned official equipment and my official House email account for all 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 his or her employing authority(s).
- I am currently, and will take all necessary steps to remain, in compliance with the mandatory provisions of law and regulations described in the Shared Employee Manual, and will abide by all House statutes, rules, and regulations.
- 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 B: AGREEMENT OF SHARED EMPLOYEE’S PRIMARY DUTY STATION DESIGNATION

Per the *Members’ Congressional Handbook* and *Committees’ Congressional Handbook* regulations, “Shared employees must work out of the office of an employing authority but are not required to work in the office of each employing authority. The primary duty station for any employee shared with three or more employing authorities is either Washington, D.C. or the District of one of his or her employing authorities, which is determined by the location of the employee’s primary residence. All employing authorities must agree in writing to the designation of the shared employee’s primary duty station to ensure they are aware of the potential cost to their official funds to cover travel expenses if the shared employee’s primary duty station is not in Washington, D.C.”

I acknowledge, by signature below, that I am aware that employee’s name’s primary duty station is primary duty station.

NOTE: It is important to remember that, regardless of the location of a shared employee’s primary duty station, all employing authorities are responsible for the supervision and management of their employees and ensuring that their pay is commensurate with duties.

Member signature

Member signature

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APPENDIX C: STATUTES AND REGULATIONS

STATUTE

2 U.S.C. § 4701. Subletting duties of employees of Senate or House: 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.

HOUSE RULES

House Rule XXIII, clause 8(a): A Member, Delegate, Resident Commissioner, or officer of the House may not retain an employee who does not perform duties for the offices of the employing authority with the compensation such employee receives.

CAO REGULATIONS

HISPOL 2.0

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 10.0

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).

HISPOL 16.0

Documents the requirements associated with authorizing, managing, and using Privileged User Accounts on the United States House of Representatives information systems.