

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 8A.104 and 8A.413, the Department of Administrative Services hereby amends Chapter 60, "Separations, Disciplinary Actions and Reduction in Force," Iowa Administrative Code.

The purpose of this amendment is to clarify the issue of indemnification by the State under the State Tort Claims Act, Iowa Code chapter 669, for participants in the state employee retirement incentive program. 2010 Iowa Acts, Senate File 2062, which established the state employee retirement incentive program for eligible executive branch employees, requires the adoption of administrative rules and provides that such rules may be adopted on an emergency basis pursuant to Iowa Code section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b."

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable due to the immediate need for rule making to administer the aspects of the program approved by the Legislature.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on April 16, 2010, as it confers a benefit upon the executive branch agencies and employees.

The Department adopted this amendment on April 16, 2010.

This amendment is intended to implement 2010 Iowa Acts, Senate File 2062, and Iowa Code section 8A.413.

This amendment became effective on April 16, 2010.

The following amendment is adopted.

Adopt the following **new** paragraph **60.1(7)"k"**:

k. The state's obligations and duties under Iowa Code chapter 669 are not altered or diminished by a participant's signing of the program application and release form. Participants may pursue any remedy allowed in Iowa Code chapter 669 without regard to program eligibility.

[Filed Emergency 4/16/10, effective 4/16/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/10.