

a. A publication stating that interviews are being scheduled to make a new certified list to fill a vacancy in a civil service promotional grade classification shall be posted for at least five working days before the closing date for the interviews in the same locations where examination notices are posted.

b. An employee who wishes to voluntarily demote or to laterally transfer into a vacancy and has previously been or is currently in the classification where the vacancy exists, shall notify the civil service commission of the employee's interest in the vacant position. The employee shall be added to the list of candidates to be interviewed and considered for the vacancy.

NEW SUBSECTION. 5. If there is no certified list of qualified candidates for a promotional appointment, the following procedures shall be followed:

a. When an examination announcement is posted to make a certified list of qualified candidates, the announcement shall also state that an employee who has been or is currently employed in the classification where the vacancy exists, may notify the civil service commission of the employee's interest in the vacant position. Upon notification, the employee shall be added to the list of candidates for an interview and consideration for the vacant position.

b. All civil service employees of a city who meet the minimum qualifications for a classification, shall have the right to compete in the civil service examination process to establish a certified list of qualified candidates.

Sec. 3. This Act, being deemed of immediate importance takes effect upon enactment.

Approved April 14, 1988

CHAPTER 1086

RETIREMENT INCENTIVES

H.F. 2415

AN ACT relating to incentives to encourage certain state and local government employees to retire from employment by providing for monetary or insurance payment incentives, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 275.59 EARLY RETIREMENT FOLLOWING SCHOOL REORGANIZATION OR DISSOLUTION.**

A certificated employee of a school district which reorganizes or dissolves under this chapter during the period beginning July 1, 1990, and ending June 30, 1992, is eligible to receive a retirement incentive as provided in this section. The retirement incentive is in addition to any retirement incentive provided by the board of directors of a school district under section 279.46. The certificated employee shall be between fifty-nine and sixty-five years of age at the time the reorganization or dissolution occurs. If the certificated employee is less than sixty-five years of age when the certificated employee terminates employment, the certificated employee is eligible to receive a retirement bonus which is a lump sum payment equal to ten percent of the final annual salary of the employee, not to exceed five thousand dollars. The board of directors of the school district shall notify the department of management of the names of employees eligible for payments under this section and shall submit other verification of employment required by the department of management. For the purposes of this section, "certificated employee" means an administrator or teacher who possesses a certificate issued under chapter 260 and at the time of retirement is employed on a full-time basis by one or

more school districts. The governor shall authorize payment from the salary adjustment fund for the retirement bonuses paid under this section. Section 8.39 does not apply to payments made from the salary adjustment fund under this section.

Sec. 2. STATE EMPLOYEE RETIREMENT INCENTIVES. A state employee who will be at least sixty-two years of age on or before June 30, 1989, and has at least five years of continuous state employment, and sends written notification to the department of personnel at any time from March 31, 1988, through May 15, 1988, of intent to terminate from state employment not later than June 30, 1988, and to retire under the applicable pension program is eligible to receive retirement incentives. The department of personnel shall coordinate and administer the program established in this section.

If the state employee is less than sixty-five years of age when the state employee terminates employment, the state employee is eligible to receive one of the following:

1. A retirement bonus which is a lump sum payment equal to ten percent of the final annual salary of the employee, not to exceed five thousand dollars. The retirement bonus shall be paid from funds appropriated to the employee's department, agency, or commission for salaries, support, maintenance, and miscellaneous purposes. However, at the written request of the director of a department, agency, or commission that the director believes that the appropriations to the department, agency, or commission are insufficient to pay the retirement bonus, the governor may authorize payment from the salary adjustment fund. Section 8.39 does not apply to payments made from the salary adjustment fund under this subsection.

2. Enrollment in the retiring employee insurance incentive payment program until the employee reaches sixty-five years of age. The program includes all of the following:

a. Continuation of participation in the life insurance program to which the state makes contributions under the program in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees plus the addition of state payments to replace the contributions which would otherwise have been made by the employee if the employee had remained in the program and had not retired.

b. Continuation of participation in the health or medical insurance program to which the state makes contributions and the dental insurance program to which the state makes contributions under the programs in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees plus the addition of state payments to replace the contributions which would otherwise have been made by the employee if the employee had remained in the program and had not retired.

The cost of payments under this subsection shall be made from funds appropriated to the salary adjustment fund. The employee's department, agency, or commission shall reimburse the salary adjustment fund annually from the appropriate departmental, revolving, trust, or special fund or from federal funds unless the governor exempts an employee's department, agency, or commission from the reimbursement requirements. Section 8.39 does not apply to reimbursements made to the salary adjustment fund under this subsection.

If a state employee is sixty-five years of age or older when the state employee retires, the state employee is eligible to receive the retirement bonus under subsection 1. Notwithstanding the minimum age requirements specified in this section, if a state employee is fifty-nine years of age or older when the state employee retires under chapter 97A within the time limitations specified in this section, the state employee is eligible to receive the retirement bonus under subsection 1.

The incentives provided in this section are in addition to other benefits to which the employee is already entitled.

3. For the purpose of this section, "state employee" includes all full-time state employees of the executive, legislative, and judicial branches, except all of the following:

- a. Employees of the state board of regents.
- b. Elected members of the general assembly.
- c. State elected officials.
- d. Judicial officers subject to the judicial retirement system in chapter 602.

A full-time state employee is an employee who at the date of termination of employment receives full insurance benefits under the state's programs and is not an employee who is receiving disability payments under the state employees disability insurance program. A state employee who receives retirement incentives as provided in this section, and who subsequently applies for and qualifies for disability payments under the disability insurance program is not eligible to receive further early retirement incentives, and shall have disability payments reduced by any amount of retirement incentives received.

For purposes of determining the length of a full-time state employee's most recent continuous state service, the department of personnel shall include the state employee's most recent continuous period of service in full-time county employment as full-time state employment for individuals who become full-time state employees under 1983 Iowa Acts, chapter 186.

Sec. 3. PARTICIPATION IN PROGRAM.

1. The administrative head or supervisory employee of a department, board, or commission shall not require a state employee to participate in the state employee retirement incentive program established in section 2 of this Act.

2. A state employee who participates in the state employee retirement incentive program is not eligible to accept further employment in which the state or a political subdivision of the state is the employer.

Sec. 4. STATE BOARD OF REGENTS. The state board of regents shall establish for its employees incentives for early retirement that do not affect existing programs. The benefits provided by the state board of regents for its merit system employees shall be comparable to the benefits provided in section 2 of this Act.

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES. The board of directors of each judicial district department of correctional services established in chapter 905 shall establish for its employees retirement incentives identical to those established in section 2 of this Act. If moneys of a judicial district department of correctional services are insufficient to pay the retirement bonus under section 2, subsection 1, of this Act, the Iowa department of corrections may request that the governor authorize payment from the salary adjustment fund. The cost of payments under section 2, subsection 2, of this Act shall be made from moneys appropriated to the salary adjustment fund, and the Iowa department of corrections shall reimburse the salary adjustment fund annually from state moneys appropriated for the establishment, operation, support, and evaluation of community-based correctional programs and services unless the governor exempts the department from the reimbursement requirements.

Sec. 6. A state department shall not be required to delete more than its proportionate share of all general fund positions vacated through early retirement. If a position vacated through early retirement is not to be deleted, the department of management shall approve, within five working days from the receipt of the request, a request to fill a position.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved April 14, 1988

CHAPTER 1087**SCHOOL STARTING DATE AND CALENDAR***S.F. 2234*

AN ACT relating to the starting date and the calendar for schools and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 279.10, subsections 1 and 4, Code 1987, are amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls and shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

4. The director of the department of education may grant a request made by a board of directors of a school district stating its desire to commence classes for regularly established elementary and secondary schools before the first day of September prior to the starting date specified in subsection 1. A request shall be based upon the determination that a starting date on or after the first day of September starting date specified in subsection 1 would have a significant negative educational impact.

Sec. 2. Section 299.1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

A person having control of a child over seven and under sixteen years of age, in proper physical and mental condition to attend school, shall cause the child to attend some public school for at least one hundred twenty days in each school year, commencing no sooner than a day during the calendar week in which the first day of September falls, unless the board of school directors establishes a later date, which date shall not be later than the first Monday in December.

Sec. 3. STANDARDIZED SCHOOL CALENDAR STUDY. It is the intent of the general assembly to have regional standardized school calendars in effect by the 1991-1992 school year. The districts shall furnish information relating to their current calendars and projected calendar requirements to the department of education. The department of education shall organize a committee to study the issues involved in regional, standardized school calendars and in moving to statewide school calendars. The committee shall report to the department of education and the department shall make recommendations to the general assembly by January 1, 1990. The committee shall include, but is not limited to, representatives from the following organizations:

1. The public television and telecommunication commission.
2. The merged area schools.
3. The area education agency media directors.
4. The area education agency superintendents.
5. The school district superintendents.
6. The school boards.
7. Teacher organizations.
8. The southwest Iowa project.
9. The board of regents.

The committee recommendations shall be based at least in part on the eventual widespread use of telecommunications and technology for the dissemination of school curricula.