

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) amends Chapter 50, "Human Resources Definitions," Iowa Administrative Code.

The Department of Administrative Services is amending the definition of "confidential employee" for purposes of merit system coverage. Iowa Code section 8A.412 lists the exemptions from merit system coverage. In total, 24 exemptions are currently established in the Iowa Code. Iowa Code section 8A.412(16) identifies "all confidential employees" as one of the 24 exemptions from merit system coverage. The Department drafted a definition that would enable it to utilize the confidential employee exemption in collaboration with department directors and their senior leaders.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2012, as **ARC 0327C**. Several public comments were received. Several of the comments indicated that some commenters believed the definition is too broad and could be interpreted to include a large number of employees. No changes were made to the amendment published under Notice.

After analysis and review of this rule making, no impact on private sector jobs has been found.

This amendment is intended to implement Iowa Code section 8A.412(16).

This amendment will become effective December 19, 2012.

The following amendment is adopted.

Amend rule **11—50.1(8A)**, definition of "Confidential employee" for purposes of merit system coverage, as follows:

"Confidential employee" means, for purposes of merit system coverage, the personal secretary of: an elected official of the executive branch or a person appointed to fill a vacancy in an elective office, the chair of a full-time board or commission, or the director of a state agency; as well as the nonprofessional staff in the office of the auditor of state, and the nonprofessional staff in the department of justice except those reporting to the administrator of the consumer advocate division. "Confidential employee" also means an employee who is in a confidential relationship with a director, chief deputy administrative officer, a division administrator, or a similar position, and at the same time is a part of the management team, legal team, or both of said director, chief deputy administrative officer, a division administrator, or similar position. For purposes of this rule, a confidential relationship means a relationship in which one person has a duty to the other not to disclose information.

[Filed 10/24/12, effective 12/19/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/14/12.