

**ADMINISTRATIVE SERVICES DEPARTMENT[11]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) proposes to amend Chapter 54, “Recruitment, Application and Examination,” Chapter 61, “Grievances and Appeals,” Chapter 63, “Leave,” Chapter 64, “Benefits,” and Chapter 65, “Political Activity,” Iowa Administrative Code.

The Department of Administrative Services is continuing its effort to review its administrative rules in accordance with Executive Order 71 by amending certain human resources rules to eliminate conflict with statute, aligning rules for the phased retirement program with changes to the Iowa Code, reflecting changes in federal law, and making other actions that reflect and clarify departmental practice.

The Department of Administrative Services does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules concerning waivers.

Interested persons may make written comments on the proposed amendments until 4:30 p.m. on April 21, 2015. Comments should be directed to Caleb Hunter, Department of Administrative Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-6140 or by e-mail to [Caleb.Hunter@iowa.gov](mailto:Caleb.Hunter@iowa.gov).

A public hearing will be held on April 21, 2015, from 9 to 10 a.m. in Room 8, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Administrative Services of their specific needs by calling (515)281-3351.

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

These amendments are intended to implement Iowa Code chapter 8A, subchapter III.

The following amendments are proposed.

ITEM 1. Amend subrule 54.2(4) as follows:

**54.2(4) Application for eligible lists.** Persons may apply to be on eligible lists as follows:

*a. Promotional lists.* Promotional applicants shall meet the minimum qualifications. Promotional applicants may be subject to keyboard examinations, background checks, psychological examinations, and other examinations used for further screening. The following persons may apply to be on promotional eligible lists:

(1) ~~Permanent employees~~ Persons who have attained permanent employee status, including permanent employees of the board of regents and community-based corrections;

(2) Persons enrolled in work experience programs who have successfully completed at least 90 calendar days 480 hours in the program are eligible to apply for promotional vacancies for a period of one year from the date of the successful completion of the work experience program;

(3) Persons who have been formally enrolled in the department’s intern development program for a period of at least 90 calendar days 480 hours are eligible to apply for promotional vacancies for a period of one year from the date of the successful completion of the work experience program; and

(4) Disabled veterans who are enrolled in a job training program in accordance with the provisions of rule 11—57.9(8A) and have worked a minimum of 160 hours up to a maximum of 780 hours: are eligible to apply for promotional vacancies for a period of one year from the date of successful completion of the job training program; and

(5) Noncontract employees who have been laid off are eligible to apply for promotional vacancies for a period of one year from the date of layoff.

b. No change.

ITEM 2. Amend rule **11—61.1(8A)**, first unnumbered paragraph, as follows:

Grievances shall state the issues involved, the relief sought, the date the incident or violation took place and any rules involved and shall be filed on forms prescribed by the director. Grievances involving suspension, reduction in pay within the same pay grade, disciplinary demotion, or discharge ~~shall~~ may be filed as appeals in accordance with subrule 61.2(6) and commence with Step 3 of the grievance procedure described in subrule 61.1(1).

ITEM 3. Amend subrule 61.2(6) as follows:

**61.2(6) Appeal of disciplinary actions.** Any nontemporary, noncontract employee covered by merit system provisions who is suspended, reduced in pay within the same pay grade, disciplinarily demoted, or discharged, except during the employee's period of probationary status, ~~shall~~ may bypass steps one and two of the grievance procedure provided for in rule 11—61.1(8A) and may file an appeal in writing to the director for a review of the action within 7 calendar days after the effective date of the action. The appeal shall be on the forms prescribed by the director. The director shall affirm, modify or reverse the action and shall give a written decision to the employee within 30 calendar days after the receipt of the appeal. The time may be extended by mutual agreement of the parties. If not satisfied with the decision of the director, the employee may request an appeal hearing before the public employment relations board as provided in subrule 61.2(5).

ITEM 4. Rescind subrule **63.10(4)**.

ITEM 5. Rescind and reserve subrule **64.16(3)**.

ITEM 6. Amend rule 11—65.3(8A) as follows:

**11—65.3(8A) Application of Hatch Act.** In addition to the restrictions set forth in rules 11—65.1(8A) and 11—65.2(8A), employees occupying state positions ~~financed in whole or in part wholly funded~~ by federal "grant-in-aid" or other specific federal funding, are subject to the provisions of the federal Hatch Act. Where compliance with the political restrictions of the Hatch Act ~~are~~ is required for the receipt of federal funds, the appointing authority shall identify those state positions so covered. The employees under those further political activity restrictions shall be made aware of the additional restrictions by posting or other written notification from the appointing authority.

Persons found by proper authority to have violated the provisions of the federal Hatch Act are subject to summary discharge.