

**ADMINISTRATIVE SERVICES DEPARTMENT[11]**

**Notice of Intended Action**

**Proposing rule making related to volunteer leave of absence  
and providing an opportunity for public comment**

The Administrative Services Department hereby proposes to amend Chapter 63, "Leave," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 8A.413(21).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 8A.413(21).

*Purpose and Summary*

The purpose of this proposed rule making is to create a volunteer leave of absence for State Executive Branch employees. Employees may be granted up to eight hours of volunteer leave with pay to participate in volunteer activities with nonprofit organizations and governmental agencies.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 10, 2019. Comments should be directed to:

Tami Wienczek  
Department of Administrative Services  
Hoover State Office Building  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Phone: 515.725.2017  
Fax: 515.281.6140  
Email: [tami.wienczek@iowa.gov](mailto:tami.wienczek@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 10, 2019  
9 to 10 a.m.

Procurement Conference Room, A Level  
Hoover State Office Building  
1305 East Walnut Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Renumber rules **11—63.17(8A)** to **11—63.20(8A,70A)** as **11—63.18(8A)** to **11—63.21(8A,70A)**.

ITEM 2. Adopt the following new rule 11—63.17(8A):

**11—63.17(8A) Volunteer leave.** Probationary and permanent employees may, at the discretion of the appointing authority, be granted up to eight hours of volunteer leave with pay per fiscal year consistent with the requirements of this rule and the policies of the department and the appointing authority.

**63.17(1)** Volunteer leave shall only be used to participate in volunteer activities with a governmental entity or a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

**63.17(2)** Volunteer leave shall not be used as vacation or sick leave.

**63.17(3)** Volunteer leave shall not be granted in excess of eight hours per fiscal year. If an employee is absent for volunteer activities for more than eight hours per fiscal year, the appointing authority may require or permit the additional leave to be charged to accrued vacation leave, compensatory leave, or leave without pay.

**63.17(4)** An employee who is transferred, promoted, or demoted from one state agency to another shall not be granted more than eight hours of volunteer leave per fiscal year.

**63.17(5)** If an employee does not use all the volunteer leave authorized by this rule within a fiscal year, the employee shall not accrue or be paid for such leave. All available volunteer leave shall be canceled on the date of separation, and no employee shall be paid for volunteer leave unused at the time of separation.

**63.17(6)** Volunteer leave shall be subject to the approval and discretion of the appointing authority. In considering whether to grant volunteer leave and while establishing its policies regarding volunteer leave, the appointing authority shall ensure that the agency maintains efficient and effective operations.

**63.17(7)** An appointing authority may require written verification from the employee or from the nonprofit organization or governmental entity with which the employee was engaged in volunteer activities during a period of volunteer leave.

This rule is intended to implement Iowa Code section 8A.413(21).

ITEM 3. Amend renumbered paragraph **63.20(2)“a”** as follows:

a. Have a catastrophic illness as defined by subrule ~~63.19(1)~~ 63.20(1); and

ITEM 4. Amend renumbered subrule 63.20(3) as follows:

**63.20(3)** *Program eligibility for immediate family member illness.* In order to receive donated leave for a catastrophic illness of an immediate family member, the immediate family member must have a catastrophic illness as defined in subrule ~~63.19(1)~~ 63.20(1). The employee must:

*a. to c.* No change.