

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed**

**Rulemaking related to employees employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesperson**

The Labor Services Division hereby rescinds Chapter 218, “Employees Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including Any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesperson,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 91D.1.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Executive Order 10.

*Purpose and Summary*

This rulemaking in accordance with Executive Order 10 rescinds Chapter 218, which was a State recapitulation of federal rules on exemptions from the Fair Labor Standards Act at the time it was implemented. Since that time, Iowa Code chapter 91D has adopted federal exemptions, making this chapter of no effect. Accordingly, this chapter is being rescinded without repromulgation.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024, as **ARC 8275C**. A public hearing was held on the following date(s):

- November 19, 2024
- November 20, 2024

No one attended the public hearings.

A comment objected to the rescission of Chapter 218 absent a provision stating that federal rules apply. However, it is beyond the power and scope of this chapter to say what laws of other jurisdictions may apply to any given employer.

No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Division on December 4, 2024.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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).

*Effective Date*

This rulemaking will become effective on February 12, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **875—Chapter 218**.

[Filed 12/17/24, effective 2/12/25]

[Published 1/8/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/8/25.