

## FINANCIAL AND OTHER PROVISIONS FOR PUBLIC OFFICERS AND EMPLOYEES

### **70A.1 Salaries payment vacations sick leave educational leave.**

Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in the Act, and all salaries, including longevity where applicable by express provision in the Code, shall be paid according to the provisions of chapter 91A and shall be in full compensation of all services, including any service on committees, boards, commissions or similar duty for Iowa government, except for members of the general assembly. A state employee on an annual salary shall not be paid for a pay period an amount which exceeds the employee's annual salary transposed into a rate applicable to the pay period by dividing the annual salary by the number of pay periods in the fiscal year. Salaries for state employees covered by the overtime payment provisions of the federal Fair Labor Standards Act shall be established on an hourly basis.

All employees of the state earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four-tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week of vacation is equal to the number of hours in the employee's normal work week. Vacation allowances accrue according to chapter 91A as provided by the rules of the department of administrative services. The vacations shall be granted at the discretion and convenience of the head of the department, agency, or commission, except that an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this paragraph shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency, or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements. If the employment of an employee of the state is terminated the provisions of chapter 91A relating to the termination apply.

If said termination of employment shall be by reason of the death of the employee, such vacation allowance shall be paid to the estate of the deceased employee if such estate shall be opened for probate. If no estate be opened, the allowance shall be paid to the surviving spouse, if any, or to the legal heirs if no spouse survives.

Payments authorized by this section shall be approved by the department subject to rules of the department of administrative services and paid from the appropriation or fund of original certification of the claim.

Commencing July 1, 1979, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions, excluding employees covered under a collective bargaining agreement which provides otherwise, shall accrue sick leave at the rate of one and one-half days for each complete month of full-time employment. The accrual rate for part-time employees shall be prorated to the accrual rate for full-time employees. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:

1. Which require the employee's confinement,
2. Which render the employee unable to perform assigned duties, or
3. When performance of assigned duties would jeopardize the employee's health or recovery.

Separation from state employment shall cancel all unused accrued sick leave. However, if an employee is laid off and the employee is re-employed by any state department, board, agency, or commission within one year of the date of the layoff, accrued sick leave of the employee shall be restored.

State employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated thirty days of sick leave, and who do not use sick leave during a full month of employment may elect to accrue up to one-half day of additional vacation. The accrual of additional vacation time by an employee for not using sick leave during a month is in lieu of the accrual of up to one and one-half days of sick leave for that month. The director of the department of administrative services may adopt the necessary rules and procedures for the implementation of this program for all state employees except employees of the state board of regents. The state board of regents may adopt necessary rules for the implementation of this program for its employees.

The head of any department, agency, or commission, subject to rules of the department of administrative services, may grant an educational leave to employees for whom the head of the department, agency, or commission is responsible pursuant to section 70A.25 and funds appropriated by the general assembly may be used for this purpose. The head of the department, agency, or commission shall notify the legislative council and the director of the department of administrative services of all educational leaves granted within fifteen days of the granting of the educational leave. If the head of a department, agency, or commission fails to notify the legislative council and the director of the department of administrative services of an educational leave, the expenditure of funds appropriated by the general assembly for the educational leave shall not be allowed.

A specific annual salary rate or annual salary adjustment commencing with a fiscal year shall commence on July 1 except that if a pay period overlaps two fiscal years, a specific annual salary rate or annual salary adjustment shall commence with the first day of a pay period as specified by the general assembly.

[C73, § 3780; C97, § 1289; C24, 27, 31, 35, 39, § **1218**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.1; 81 Acts, ch 20, § 2]

85 Acts, ch 215, §1; 86 Acts, ch 1244, § 13; 86 Acts, ch 1245, § 231, 232; 87 Acts, ch 227, § 16; 89 Acts, ch 303, §17

C93, § 70A.1

97 Acts, ch 28, §7; 2003 Acts, ch 145, §286

## **Footnotes**

Paid holidays; §1C.2

### **70A.2 Promotion, discharge, demotion or suspension absence for medically related disability not considered.**

When supported by the verification of the attending physician that an absence is necessary in the best interest of the health and well-being of the employee, an absence for medically related disability shall not be considered in actions for promotion, discharge, demotion or suspension of the employee.

[C77, 79, 81, § 79.2]

C93, § 70A.2

### **70A.3 Appraisers of property.**

The appraisers appointed by authority of law to appraise property for any purpose shall be paid a reasonable amount determined by the sheriff of the county in which the property appraised is located. Unless otherwise provided, the amount paid shall be paid out of the property appraised or by the owner thereof.

[C51, § 2550; R60, § 4158; C73, § 3813; C97, § 1290; SS15, § 1290-a; C24, 27, 31, 35, 39, § **1219**; C46, 50, 54, 58, 62, 66, 71, 73, 75, § 79.2; C77, 79, 81, § 79.3]

87 Acts, ch 17, § 4

C93, § 70A.3

#### **70A.4 When fees payable.**

When no other provision is made on the subject, the party requiring any service shall pay the fees therefor upon the same being rendered, and a bill of particulars being presented, if required.

[C51, § 2557; R60, § 4164; C73, § 3837; C97, § 1295; C24, 27, 31, 35, 39, § **1221**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.4]

C93, § 70A.4

#### **70A.5 Fees payable in advance.**

All fees, unless otherwise specifically provided, are payable in advance, if demanded, except in the following cases:

1. When the fees grow out of a criminal prosecution.
2. When the fees are payable by the state or county.
3. When the orders, judgments, or decrees of a court are to be entered, or performed in divorce-related matters including child support, temporary custody, restraining orders, and writs of habeas corpus.

[C73, § 3842; C97, § 1298; C24, 27, 31, 35, 39, § **1222**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.5]

88 Acts, ch 1133, §1

C93, § 70A.5

#### **70A.6 Receipt for fees paid.**

Every person charging fees shall, if required by the person paying them, give that person a receipt therefor, setting forth the items, and the date of each.

[C51, § 2549; R60, § 4157; C73, § 3836; C97, § 1294; C24, 27, 31, 35, 39, § **1223**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.6]

C93, § 70A.6

#### **70A.7 Report of fees.**

All officers required by the provisions of this Code to collect and pay over fines and fees shall, except as

otherwise provided, on the first Monday in July in each year, make report thereof under oath to the board of supervisors of the proper county, showing the amount of fines assessed, and the amount of fines and fees collected, together with vouchers for the payment of all sums collected to the proper officer.

[R60, § 4314; C73, § 3973; C97, § 1301; C24, 27, 31, 35, 39, § **1224**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.7]

C93, § 70A.7

#### **70A.8 State accounts inspection.**

The books, accounts, vouchers, and funds belonging to, or kept in, any state office or institution, or in the charge or under the control of any state officer or person having charge of any state funds or property, shall, at all times, be open or subject to the inspection of the governor or any committee appointed by the governor, or by the general assembly or either house thereof; and the governor shall see that such inspection of the office of state treasurer is made at least four times in every twelve months.

[C57, § 59, 69; R60, § 80, 90; C73, § 132; C97, § 184; C24, 27, 31, 35, 39, § **1225**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.8]

C93, § 70A.8

#### **Footnotes**

Constitution, Art. IV, § 8

#### **70A.9 Charge for use of automobile by other than state officer or employee.**

When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile, as determined by the local governing body, in an amount which may be the maximum allowable under federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. A peace officer, other than a state officer or employee as defined in section 801.4, who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section.

[C31, 35, § 1225-d1; C39, § **1225.01**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.9; 81 Acts, ch 9, § 23]

86 Acts, ch 1246, § 773; 91 Acts, ch 267, §604

C93, § 70A.9

#### **Footnotes**

State officers and employees mileage allowance, § 8A.363; see also § 602.1509, expenses for judicial officers, court employees and others

### **70A.10 Mileage and expenses prohibition.**

No law shall be construed to give to a public officer or employee both mileage and expenses for the same transaction.

[C31, 35, § 1225-d2; C39, § **1225.02**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.10]

C93, § 70A.10

### **70A.11 Mileage and expenses when unallowable.**

No public officer or employee shall be allowed either mileage or transportation expense when gratuitously transported by another, nor when transported by another public officer or employee who is entitled to mileage or transportation expense.

[C31, 35, § 1225-d3; C39, § **1225.03**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.11]

C93, § 70A.11

### **70A.12 Out-of-state warrants limited.**

A warrant requiring a peace officer to go beyond the boundaries of the state at public expense shall not be issued except with the approval of a district judge.

[C35, § 1225-e1; C39, § **1225.04**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.12]

83 Acts, ch 186, § 10038, 10201

C93, § 70A.12

### **70A.13 Particulars required by county board.**

The board of supervisors shall not approve any claim for mileage or other traveling expenses presented by any peace officer including the sheriff and the sheriff's deputies unless the destinations, and number of miles covered in each trip are given, or, in the case of extended trips, unless railroad, hotel, and other traveling expenses, excepting meals, are verified by receipts.

[C35, § 1225-e2; C39, § **1225.05**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 79.13]

C93, § 70A.13

### **70A.14 Definitions.**

As used in this section and section 70A.15, unless the context otherwise requires:

1. *"Charitable organization"* means an organization that is eligible to receive contributions which may be deducted on the contributor's Iowa individual tax return and that has been designated, at the request of one hundred or more eligible state officers and employees, or the number of employees required by subsection 3 of this section, by a responsible official of the payroll system under which the officers or employees are compensated, to receive contributions pursuant to section 70A.15.

2. *"Enrollment period"* means the time during which the charitable organization conducts an annual consolidated effort to secure funds.

3. "Number of persons required" means:

a. In the case of employees at the Iowa State University of science and technology and the state University of Iowa, one hundred or more participants.

b. In the case of employees at the University of Northern Iowa, fifty or more participants.

c. In the case of employees at the Iowa school for the deaf and the Iowa braille and sight saving school, twenty-five or more participants.

[C66, 71, 73, 75, 77, 79, 81, § 79.14]

C93, § 70A.14

### **70A.15 Payroll deduction.**

The responsible official in charge of the payroll system may deduct from the salary or wages of a state officer or employee an amount specified by the officer or employee for payment to a charitable organization if:

1. The request for the payroll deduction is made in writing during the enrollment period for the charitable organization.
2. The deduction shall not continue in effect for a period of time exceeding one year unless a new written request is filed according to the requirements of this section.
3. The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.

Moneys deducted pursuant to this section shall be paid over promptly to the appropriate charitable organization. The deduction may be made notwithstanding that the compensation actually paid to the officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full and complete discharge of claims and demands for services rendered by the employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the responsible official in charge of the payroll system.

[C66, 71, 73, 75, 77, 79, 81, § 79.15]

C93, § 70A.15

### **Footnotes**

Combined charitable campaign program administered by department of administrative services; §8A.432

### **70A.16 Interview and moving expenses.**

1. If approved by the appointing authority, a person who interviews for employment by the state shall be reimbursed for expenses incurred in the interview.
2. A state employee who is reassigned shall be reimbursed for moving expenses incurred in accordance with rules and policies adopted by the director of the department of administrative services when all of the following circumstances exist:

- a. The employee is reassigned at the direction of the appointing authority.
  - b. The reassignment constitutes a permanent change of duty station.
  - c. The reassignment requires the employee to change the place of personal residence beyond a reasonable commuting distance.
  - d. The reassignment is not primarily for the benefit or convenience of the employee.
3. If approved by the appointing authority, a person newly hired for a state position shall receive reimbursement for moving expenses incurred after the person is hired at the same rate provided for a state employee.
4. Reimbursement for moving expenses authorized under this section does not include reimbursement for the expense of moving animals.

[C77, 79, 81, § 79.16; 81 Acts, ch 9, § 25]

86 Acts, ch 1245, § 233

C93, § 70A.16

97 Acts, ch 28, §8; 2000 Acts, ch 1171, §21; 2003 Acts, ch 145, §286

#### **70A.17 Payroll deduction for additional insurance coverage.**

1. The state officer in charge of any of the state payroll systems shall deduct from the wages or salaries of a state officer or employee an amount specified by the officer or employee for payment to any company authorized to do business in this state for the purpose of purchasing insurance if all of the following conditions are met:
- a. At least five hundred state officers or employees request the deduction to purchase insurance from the same company.
  - b. The request for the payroll deduction is made by the state officer or employee in writing to the officer in charge of the program.
  - c. The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.
  - d. The insurance coverage to be purchased is not provided by the state.
  - e. The company providing the insurance enters into a written agreement with the state delineating each party's rights and responsibilities.
2. The moneys deducted under this section shall be paid to the company designated by the requesting state officers or employees. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of any of the state payroll systems.

3. The department of administrative services reserves the right to terminate an insurance company's participation in the program if the department receives complaints regarding the actions of the insurance company or its agents in relation to the program and such termination would be in the best interest of the state officers and employees; the department makes a determination that the insurance company has engaged in a pattern or practice of unfair, misleading, or fraudulent acts and such termination would be in the best interest of the state officers and employees; or the commissioner of insurance determines that the company has engaged in practices that would otherwise disqualify the company from providing insurance coverage in Iowa.

4. The department is authorized to establish and collect an administrative fee as deemed necessary and appropriate in an amount not to exceed the state's actual cost of providing the payroll deduction service.

2004 Acts, ch 1103, §75

#### **70A.17A Payroll deduction for dues.**

1. The state officer in charge of the payroll system shall deduct from the salary or wages of a state officer or employee an amount specified by the officer or employee for payment to a professional or trade organization for dues or membership fees if:

*a.* The professional or trade organization consents to payment of dues in this manner.

*b.* The employee requests in writing that payment of dues or membership fees be made in this manner.

*c.* The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.

*d.* The following number of state officers or employees request the deduction for the same professional or trade organization:

(1) One hundred or more state officers or employees employed outside the jurisdiction of the state board of regents, or employed at Iowa state university of science and technology or the state university of Iowa.

(2) Fifty or more state officers or employees employed at the university of northern Iowa.

(3) Twenty-five or more state officers or employees employed at the Iowa school for the deaf or at the Iowa braille and sight saving school.

2. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of the payroll system.

3. This section shall not affect a payroll deduction elected by a state employee pursuant to section 70A.19.

94 Acts, ch 1188, §36

#### **70A.17B Payroll deduction for eligible qualified tuition program contributions.**

1. The state officer in charge of any of the state payroll systems shall deduct from the wages or salaries of a state officer or employee an amount specified by the officer or employee for payment to an eligible qualified tuition program in a method consistent with current discretionary payroll deductions and on forms prescribed

by the payroll administrator. For purposes of this section, an "*eligible qualified tuition program*" is a program that meets the requirements of a qualified tuition program under section 529 of the Internal Revenue Code and is a program in which at least five hundred state officers or employees request a payroll deduction and the request for the payroll deduction is made by the state officer or employee in writing to the officer in charge of the program.

2. The moneys deducted under this section shall be paid to the eligible qualified tuition program for the benefit of the officer's or employee's account no later than thirty days following the payroll deduction from the wages of the officer or employee. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of any of the state payroll systems.

2005 Acts, ch 75, §1

### **70A.18 Compensation based on comparable worth.**

It is the policy of this state that a state department, board, commission, or agency shall not discriminate in compensation for work of comparable worth between jobs held predominantly by women and jobs held predominantly by men. "*Comparable worth*" means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

83 Acts, ch 170, § 14

CS83, § 79.18

C93, § 70A.18

### **70A.19 Duration of state payroll deduction for dues of employee organization member.**

A state employee who elects a payroll deduction for membership dues to an employee organization pursuant to the provisions of a collective bargaining agreement negotiated under the provisions of chapter 20 shall maintain the deduction for a period of one year or until the expiration of the collective bargaining agreement, whichever occurs first. A state employee who transfers employment to a position covered by a different collective bargaining agreement or who becomes a management employee is not subject to this requirement. With respect to state employees, this section supersedes the provisions of section 20.9 allowing termination of a dues checkoff at any time but does not supersede the requirement for thirty days' written notice of termination.

86 Acts, ch 1245, § 234

C87, § 79.19

C93, § 70A.19

### **70A.20 Employees disability program.**

A state employees disability insurance program is created, which shall be administered by the director of the department of administrative services and which shall provide disability benefits in an amount and for the employees as provided in this section. The monthly disability benefits shall provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or

more but less than two years, and sixty percent of monthly earnings thereafter, reduced by primary and family social security determined at the time social security disability payments commence, railroad retirement disability income, workers' compensation if applicable, and any other state-sponsored sickness or disability benefits payable. However, the amount of benefits payable under the Iowa public employees' retirement system pursuant to chapter 97B shall not reduce the benefits payable pursuant to this section. Subsequent social security or railroad retirement increases shall not be used to further reduce the insurance benefits payable. As used in this section, "*primary and family social security*" shall not include social security benefits awarded to an adult child with a disability of the state employee with a disability who does not reside with the state employee with a disability if the social security benefits were awarded to the adult child with a disability prior to the approval of the state employee's benefits under this section, regardless of whether the United States social security administration records the benefits to the social security number of the adult child with a disability, the state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to this section. As used in this section, unless the context otherwise requires, "*adult*" means a person who is eighteen years of age or older. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974. The following provisions apply to the employees disability insurance program:

1. Waiting period, ninety working days of continuous sickness or accident disability or the expiration of accrued sick leave, whichever is greater.
2. Maximum period benefits paid for both accident or sickness disability:
  - a. If the disability occurs prior to the time the employee attains the age of sixty-one years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of sixty- five years, whichever is later.
  - b. If the disability occurs on or after the time the employee attains the age of sixty-one years but prior to the age of sixty-nine years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of seventy years, whichever is earlier.
  - c. If the disability occurs on or after the time the employee attains the age of sixty-nine years, the maximum benefit period shall end twelve months after continuous benefit payments begin.
3.
  - a. Minimum and maximum benefits, not less than fifty dollars per month and not exceeding two thousand dollars per month.
  - b. In no event shall benefits exceed one hundred percent of the claimant's predisability covered monthly compensation.
4. All permanent full-time state employees shall be covered under the employees disability insurance program, except board members and members of commissions who are not full-time state employees, and state employees who on July 1, 1974, are under another disability program financed in whole or in part by the state, and state employees who have agreed to participation in another disability program through a collective bargaining agreement. For purposes of this section, members of the general assembly serving on or after January 1, 1989, are eligible for the plan during their tenure in office, on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

[C75, 77, 79, 81, § 79.20]

84 Acts, ch 1146, § 2; 86 Acts, ch 1245, § 235; 88 Acts, ch 1267, §15, 16

C93, § 70A.20

93 Acts, ch 7, § 1; 94 Acts, ch 1022, §1; 95 Acts, ch 162, §9; 96 Acts, ch 1129, §17; 2003 Acts, ch 145, §286

**70A.21 and 70A.22** Reserved.

**70A.23 Credit for accrued sick leave.**

When a state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. When an employee retires, is eligible, and has applied for benefits under a retirement system authorized under chapter 97A or 97B, including the teachers insurance and annuity association-college retirement equities fund (TIAA-CREF), or an employee dies on or after July 1, 1984, while the employee is in active employment but is eligible for retirement benefits under one of the listed chapters, the employee shall receive a cash payment for the employee's accumulated, unused sick leave in both the active and banked sick leave accounts, except when, in lieu of cash payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter 20. An employee of the department of public safety or the department of natural resources who has earned benefits of payment of premiums under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose the benefits of payment of premium earned while covered by the agreement. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payments for accumulated, unused sick leave shall not exceed two thousand dollars per employee and are payable upon retirement or death. Banked sick leave is defined as accrued sick leave in excess of ninety days.

[C79, 81, § 79.23; 82 Acts, ch 1184, § 1]

84 Acts, ch 1146, § 1; 88 Acts, ch 1158, §9

C93, § 70A.23

2003 Acts, ch 108, §22

Sick leave and vacation incentive and other early termination programs; reports to general assembly; 2001 Acts, 2nd Ex, ch 5, §3, 4, 8; 2002 Acts, 2nd Ex, ch 1001, §5052; 2004 Acts, ch 1035, § 1, 3

**70A.24 Olympic competition leave of absence.** Repealed by 94 Acts, ch 1173, §42.

**70A.25 Educational leave educational assistance.**

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "*Educational assistance*" means reimbursement for tuition, fees, books or other expenses incurred by a state employee in taking coursework at an educational institution or attending a workshop, seminar, or conference without a reduction in ordinary job responsibilities and that the appointing authority determines contributes to the growth and development of the employee in the employee's present position or in a position to which the employee may reasonably be assigned.

b. "*Educational leave*" means full or partial absence from an employee's ordinary job responsibilities either with full or partial pay or without pay, to attend a course of study at an educational institution or a course of study conducted by a reputable sponsor on behalf of an educational institution. Educational leave may include reimbursement for all or a portion of educational expenses incurred.

c. "Educational leave and educational assistance" do not apply to job training, employee development programs, or departmental seminars that are conducted or sponsored by a state agency.

2. *General applicability.* The purpose of educational leave with full or partial pay and educational assistance is to assist state employees to develop skills that will improve their ability to perform state job responsibilities or in the case of educational leave to also provide training and educational opportunities for employees of a state agency that will enable the agency director to better meet the staffing needs of the state agency.

The director of the department of administrative services shall not allow the payment of expenses for courses unless the department, agency, or commission can demonstrate a relationship between the employee's job responsibilities and the courses to be taken or that the employee is required to learn new skills for which the department, agency, or commission has a need.

3. *Reporting and review.*

a. The director of the department of administrative services shall periodically and at least annually review the implementation of educational leave and educational assistance programs by state agencies.

b. The head of each state agency, department, or commission shall report to the director of the department of administrative services and the legislative council not later than October 1 of each year the direct and indirect costs to the agency of educational leave and educational assistance granted to agency employees during the preceding fiscal year. The report shall include an estimate of costs saved by the state agency, department, or commission through the use of educational leave and educational assistance. As used in this subsection, "indirect costs" includes but is not limited to adjustments in employee work assignments and agency operations necessitated by educational leave or assistance.

c. The report to the director of the department of administrative services and legislative council shall identify the relationship of each course to the employee who is granted educational leave and how the course may improve the employee's job performance or the task to be accomplished within the agency.

d. The report to the director of the department of administrative services and the legislative council shall also include:

(1) The number of employees who were granted educational leave and the amount of tuition reimbursement allowed by the department, agency or commission.

(2) The number of employees who were granted a leave from work to attend the classes and who continued to receive their salary and the number of hours of work which those employees were excused.

(3) The number of employees who were granted a temporary leave of absence from work to attend the classes without pay and the amount of time missed.

85 Acts, ch 215, §2

CS85, § 79.25

86 Acts, ch 1245, § 237239

C93, § 70A.25

2000 Acts, ch 1171, §2224; 2003 Acts, ch 145, §286

**70A.26 Disaster service volunteer leave.**

An employee of an appointing authority who is a certified disaster service volunteer of the American red cross may be granted leave with pay from work for not more than fifteen working days in any twelve-month period to participate in disaster relief services for the American red cross at the request of the American red cross for the services of that employee and upon the approval of the employee's appointing authority without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The appointing authority shall compensate an employee granted leave under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of the Iowa tort claims Act. Leave under this section shall be granted only for services relating to a disaster in the state of Iowa.

95 Acts, ch 132, §1

**70A.27** Reserved.

**70A.28 Prohibitions relating to certain actions by state employees penalty civil remedies.**

1. A person who serves as the head of a state department or agency or otherwise serves in a supervisory capacity within the executive or legislative branch of state government shall not require an employee of the state to inform the person that the employee made a disclosure of information permitted by this section and shall not prohibit an employee of the state from disclosing any information to a member or employee of the general assembly or from disclosing information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.
2. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by this section, or for a disclosure of any information by that employee to a member or employee of the general assembly, or a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.
3. Subsections 1 and 2 do not apply if the disclosure of the information is prohibited by statute.
4. A person who violates subsection 1 or 2 commits a simple misdemeanor.
5. Subsection 2 may be enforced through a civil action.
  - a. A person who violates subsection 2 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.
  - b. When a person commits, is committing, or proposes to commit an act in violation of subsection 2, an injunction may be granted through an action in district court to prohibit the person from continuing such acts.

The action for injunctive relief may be brought by an aggrieved employee or the attorney general.

6. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for the employee's declining to participate in contributions or donations to charities or community organizations.

7. The director of the department of administrative services or, for employees of the general assembly or of the state board of regents, the legislative council or the state board of regents, respectively, shall provide procedures for notifying new state employees of the provisions of this section and shall periodically conduct promotional campaigns to provide similar information to state employees. The information shall include the toll-free telephone number of the citizens' aide.

8. For purposes of this section, "*state employee*" and "*employee*" include, but are not limited to, persons employed by the general assembly and persons employed by the state board of regents.

84 Acts, ch 1219, § 4

C85, § 79.28

85 Acts, ch 20, §1; 87 Acts, ch 19, §4; 87 Acts, ch 27, § 2; 89 Acts, ch 124, §2

C93, § 70A.28

96 Acts, ch 1100, § 25; 2003 Acts, ch 145, §286

## **Footnotes**

See also §8A.417, 70A.29

## **70A.29 Reprisals prohibited political subdivisions penalty civil remedies.**

1. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in employment by a political subdivision of this state as a reprisal for a disclosure of any information by that employee to a member or employee of the general assembly, or an official of that political subdivision or a state official or for a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This section does not apply if the disclosure of the information is prohibited by statute.

2. A person who violates subsection 1 commits a simple misdemeanor.

3. Subsection 1 may be enforced through a civil action.

*a.* A person who violates subsection 1 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.

*b.* When a person commits, is committing, or proposes to commit an act in violation of subsection 1, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or the county attorney.

85 Acts, ch 60, § 1

CS85, § 79.29

89 Acts, ch 124, § 3

C93, § 70A.29

### **Footnotes**

See also §8A.417, 70A.28

### **70A.30 Establishment of phased retirement program.**

There is established a voluntary employee phased retirement incentive program for full-time state employees who are at least sixty years of age and have completed at least twenty years as full-time state employees.

The phased retirement incentive program is a retirement system for purposes of section 20.9, but is not retirement for purposes of chapter 97A, 97B, or 602 or for the employees who are members of the teachers insurance annuity association-college retirement equities fund (TIAA-CREF).

84 Acts, ch 1180, § 1

C85, § 79.30

C93, § 70A.30

2003 Acts, ch 108, §23

### **70A.31 Eligibility.**

The phased retirement incentive program requires that participants agree to work a maximum of thirty-two hours per week and a minimum of twenty hours per week for the first four years after entering the program. After the fourth year of participation in the program, participants shall agree to work a maximum of twenty hours per week. Participants shall agree to retire from state government employment effective no later than the last day of their fifth year of participation in the program.

84 Acts, ch 1180, § 2

C85, § 79.31

C93, § 70A.31

97 Acts, ch 185, §7; 2000 Acts, ch 1171, §25

### **70A.32 Phased retirement program.**

The phased retirement incentive program is a voluntary program that provides that an employee may participate in the program for not more than five years and provides for the following:

1. Payment of a salary based upon the participant's salary on a full-time basis reduced proportionally by the number of hours of employment plus ten percent of the budgeted full-time salary. A participant is eligible for cost of living increases granted to all state employees.

2. Continuation of eligibility by the participant for membership in the state life insurance program with continuation of state payments at the rate paid for full-time employees.

3. Continuation of eligibility by the participant for membership in the state health or medical insurance program and continuation of state payments at the rate paid for full-time employees.

4. Continuation of membership in the state employees disability insurance program. During the five-year period, monthly earnings of the employee for purposes of the disability insurance program shall equal the monthly earnings as if the participant were a full-time employee.

5. Accrual of vacation and sick leave based upon section 70A.1 as it applies to part-time employees.

84 Acts, ch 1180, § 3

C85, § 79.32

C93, § 70A.32

97 Acts, ch 185, §8

### **70A.33 Participation plan.**

A state employee meeting the requirements of section 70A.31 may file a request to participate in the program with the head of the employee's state department, agency, or commission. The employee shall specify the number of hours per week the employee intends to work for each of the five years of participation, subject to the requirements of section 70A.31. Participation in the program is dependent upon the approval of the head of the department, agency, or commission. The cost to the state department, agency, or commission shall be paid from the funds appropriated to the department, agency, or commission for salaries, support, maintenance, and miscellaneous purposes.

An employee who participates in the program is not eligible to return to state employment as a permanent full-time employee. Once an employee reduces the employee's hours of participation, that employee shall not subsequently increase the hours of participation.

84 Acts, ch 1180, § 4

C85, § 79.33

C93, § 70A.33

97 Acts, ch 185, §9

### **70A.34 Appropriation.**

Annually after June 30 of each fiscal year, the department of administrative services shall determine the cost during the preceding fiscal year to the Iowa public employees' retirement fund of participation of state employees in the phased retirement program. Annually, there is appropriated from the general fund of the state to the Iowa public employees' retirement fund an amount sufficient to reimburse the retirement fund for the costs of the phased retirement program.

84 Acts, ch 1180, § 5

C85, § 79.34

C93, § 70A.34

2003 Acts, ch 145, §286

**70A.35 and 70A.36** Reserved.

**70A.37 Collective bargaining agreements.**

Administrative rules adopted by the director of the department of administrative services pursuant to this chapter shall not supersede provisions of collective bargaining agreements negotiated under chapter 20.

86 Acts, ch 1245, § 240

C87, § 79.37

C93, § 70A.37

2003 Acts, ch 145, §286

**70A.38 Years of service incentive program.**

1. As used in this section, unless the context provides otherwise:

*a. "Credited service"* means service under the Iowa public employees' retirement system, as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.

*b. "Eligible employee"* means an employee with ten or more years of credited service as of the date of termination from employment.

*c. "Employee"* means an employee of the executive branch of the state, including an employee of a judicial district department of correctional services or the department of justice. However, *"employee"* does not mean an employee of the state board of regents, or an elected official.

*d. "Employer"* means a department, agency, board, or commission within the executive branch of the state that employs employees.

*e. "Participant"* means an eligible employee who has been selected for participation in the years of service incentive program, who agrees to such participation, who is approved for participation, and who receives a termination incentive as provided by this section.

*f. "Program"* means the years of service incentive program established pursuant to this section.

*g. "Regular annual salary"* means an amount equal to the eligible employee's regular biweekly rate of pay as of the date of separation from employment multiplied by twenty-six.

*h. "Termination incentive"* means an amount equal to the lesser of two hundred fifty dollars for every quarter year of credited service of the eligible employee or the regular annual salary of the eligible employee.

2. An employer may offer a termination incentive to an eligible employee or eligible employees if the employer demonstrates that such an offer will assist the employer in effectively managing its resources. Prior

to making the offer, the employer shall obtain approval to offer the program from the department of administrative services. As part of the approval process, the employer shall submit a business plan to the department of administrative services which shall be reviewed and approved by the department of management. The business plan shall show the savings that will accrue to the state as a result of the employee's or employees' participation in the program.

3. Upon obtaining approval from the department of administrative services to offer the program, the employer shall inform each eligible employee in writing of the employee's opportunity to participate in the program. The written notice to the eligible employee shall provide a time deadline for acceptance of an offer, a proposed date by which the eligible employee who wishes to accept an offer would have to agree to terminate employment with the state, and other relevant information concerning the employee's rights relating to an offer, including the voluntary nature of an offer to the eligible employee as well as the consequences to the employee of accepting an offer.

4. To become a participant in the program, an eligible employee who receives an offer to participate in the program shall do all of the following:

*a.* Acknowledge in writing the employee's agreement to voluntarily terminate employment in exchange for payment of a termination incentive as provided in this section.

*b.* Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

*c.* Acknowledge, in writing, that participation in the program waives any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official or as an employee of the state board of regents.

*d.* Agree to separate from employment with the state by the date agreed upon by the eligible employee and the employer which date is consistent with the business plan submitted by the employer.

5. Upon acceptance to participate in the program and separation from employment with the state by the date agreed upon, the participant shall be paid a termination incentive. The state shall pay to the participant, in a lump sum, the termination incentive and any other payments due the participant, if any, for accrued sick leave and vacation leave balances.

6. The department of administrative services shall administer the program and shall adopt administrative rules to administer the program.

7. The legislative council shall provide a years of service incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. The benefit provided for employees under this subsection shall be no greater than that provided for executive branch employees.

8. This section is repealed June 30, 2008.

2001 Acts, 2nd Ex, ch 5, §1, 8; 2003 Acts, ch 145, §156, 286, 293

### **70A.39 Bone marrow and organ donation incentive program.**

1. For the purposes of this section:

*a.* "Bone marrow" means the soft tissue that fills human bone cavities.

*b. "Vascular organ"* means a heart, lung, liver, pancreas, kidney, intestine, or other organ that requires the continuous circulation of blood to remain useful for purposes of transplantation.

2. Beginning July 1, 2003, state employees, excluding employees covered under a collective bargaining agreement which provides otherwise, shall be granted leaves of absence in accordance with the following:

*a.* A leave of absence of up to five workdays for an employee who requests a leave of absence to serve as a bone marrow donor if the employee provides written verification from the employee's physician or the hospital involved with the bone marrow donation that the employee will serve as a bone marrow donor.

*b.* A leave of absence of up to thirty workdays for an employee who requests a leave of absence to serve as a vascular organ donor if the employee provides written verification from the employee's physician or the hospital involved with the vascular organ donation that the employee will serve as a vascular organ donor.

3. An employee who is granted a leave of absence under this section shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

4. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of the Iowa tort claims Act.

2003 Acts, ch 32, §1; 2003 Acts, 1st Ex, ch 2, §37, 209