

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

1. For purposes of this section:

a. “*Eligible retirement system*” means a retirement system authorized under chapter 97A or 97B, including the teachers insurance and annuity association-college retirement equities fund (TIAA-CREF).

b. “*Eligible state employee*” means a state employee eligible to receive retirement benefits under an eligible retirement system.

2. An eligible state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, who retires and has applied for retirement benefits under an eligible retirement system, or who dies while in active employment, shall be credited with the number of accrued days of sick leave of the employee. The employee, or the employee’s estate, shall receive a cash payment of the monetary value of the employee’s accrued sick leave balance, not to exceed two thousand dollars. The value of the employee’s accrued sick leave balance shall be calculated by multiplying the number of hours of accrued sick leave by the employee’s regular hourly rate of pay at the time of retirement.

3. a. An eligible state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise or an employee of the state board of regents, who retires and receives a payment as provided in subsection 2 shall be entitled to elect to have the employee’s available remaining value of sick leave used to pay the state share for the employee’s continuation of state group health insurance coverage pursuant to the requirements of this subsection.

b. An eligible state employee’s available remaining value of sick leave shall be calculated as follows:

(1) If the employee’s accrued sick leave balance prior to payment as provided in subsection 2 is seven hundred fifty hours or less, sixty percent of the value of the remaining accrued sick leave balance.

(2) If the employee’s accrued sick leave balance prior to payment as provided in subsection 2 is one thousand five hundred hours or less but more than seven hundred fifty hours, eighty percent of the value of the remaining accrued sick leave balance.

(3) If the employee’s accrued sick leave balance prior to payment as provided in subsection 2 is more than one thousand five hundred hours, one hundred percent of the value of the remaining accrued sick leave balance.

c. An eligible state employee’s available remaining value of sick leave shall be available to pay for that portion of the employee’s state group health insurance premium that would otherwise be paid for by the state if the employee were still a state employee. The benefits provided for in this subsection have no cash value and are not transferable to any other person, including the retiree’s spouse. Payment of state group health insurance premiums pursuant to this subsection continues until the earliest of when the eligible state employee’s available remaining value of sick leave is exhausted, the employee otherwise becomes eligible for federal Medicare program benefits, or the employee dies. In addition, an employee electing benefits pursuant to this subsection who is reinstated or reemployed in a permanent full-time or permanent part-time position within state government forfeits any remaining benefits for payment of state group health insurance benefits, and such employee is not eligible for restoration of the unused sick leave accrued during the employee’s prior employment with the state.

4. Notwithstanding any provision of this section to the contrary, peace officers employed within the department of public safety and the department of natural resources that are not covered under a collective bargaining agreement shall have a sick leave conversion program extended to them that is equivalent to the sick leave conversion program negotiated under chapter 20 between the state and the state police officers council labor union for peace officers. In addition, 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 premiums 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.

[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; 2006 Acts, ch 1020, §2; 2006 Acts, ch 1185, §116

Referred to in §70A.1, 80.42, 602.1401, 602.11102

[SP] For provisions relating to the state employee retirement incentive program, see 2010 Acts, ch 1005, §1, 2