

TITLE IV  
HUMAN RESOURCES  
CHAPTER 50  
HUMAN RESOURCES DEFINITIONS

[Prior to 11/5/86, Merit Employment Department[570]]

[Prior to 1/21/04, see 581—Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**11—50.1(8A) Definitions.**

“*Absence without leave*” means any absence of an employee from duty without specific authorization.

“*Agency*” means a department, independent agency, or statutory office.

“*Appointing authority*” means the appointed or elected chief administrative head of a department, commission, board, independent agency, or statutory office or that person’s designee.

“*Base pay*” means a fixed rate of pay for an employee that is exclusive of shift or educational differential, special or extraordinary duty pay, leadworker pay, or any other additional special pay.

“*Call back pay*” means extra pay for eligible employees who are directed by the appointing authority to report back to work outside of their regular scheduled work hours that are not contiguous to the beginning or the end of their scheduled work hours.

“*Certification*” means the referral of qualified names from an eligible list to an agency for the purpose of making a selection in accordance with these rules.

“*Certified disability program*” means that program covering persons with disabilities who have been certified by the vocational rehabilitation division of the department of education or the department for the blind as being able to perform the duties of a job class without participation in examinations used for the purpose of ranking qualified applicants on nonpromotional eligible lists.

“*Class*” or “*job classification*” or “*job class*” means one or more positions so similar in duties, responsibilities, and qualifications that each may be assigned to the same job title and pay plan.

“*Classification plan*” means the published list of job classifications and the related elements assigned to each. The classification plan is published annually by the department and revised as necessary.

“*Compensatory leave*” means leave accrued as a result of overtime, call back, holidays, or holiday work.

“*Confidential employee*” means, for purposes of merit system coverage, the personal secretary of: an elected official of the executive branch or a person appointed to fill a vacancy in an elective office, the chair of a full-time board or commission, or the director of a state agency; as well as the nonprofessional staff in the office of the auditor of state, and the nonprofessional staff in the department of justice except those reporting to the administrator of the consumer advocate division. “Confidential employee” also means an employee who is in a confidential relationship with a director, chief deputy administrative officer, a division administrator, or a similar position, and at the same time is a part of the management team, legal team, or both of said director, chief deputy administrative officer, a division administrator, or similar position. For purposes of this rule, a confidential relationship means a relationship in which one person has a duty to the other not to disclose information.

“*Confidential employee*” means for purposes of collective bargaining coverage, a representative of the employer who, as a major function of the job, determines and effectuates employment relations policy for the appointing authority, exercises independent discretion in establishing such policies, or is so closely related to or aligned with management as to potentially place the employee in a position of conflict of interest between the employer and coworkers. It also means any employee who works for the department, who has access to information subject to use in collective bargaining negotiations, or who works in a close continuing relationship with representatives associated with negotiating collective bargaining agreements on behalf of the state, as well as the personal secretary of: an elected official of the executive branch or a person appointed to fill a vacancy in an elective office, the chair of a full-time board or commission, or the director, deputy director, or division administrator of a state agency.

“*Demotion*” means the change of a nontemporary employee from one class to another having a lower pay grade. Demotions of permanent employees may be disciplinary, in lieu of layoff, or voluntary. Demotions of probationary employees may be disciplinary or voluntary.

“*Department*” means the Iowa department of administrative services.

“*Director*” means the director of the Iowa department of administrative services or the director’s designee.

“*Examination*” means the screening of persons who meet the qualifications for job classifications.

“*Grievance*” means a written complaint alleging a specific violation of these rules or of Iowa Code chapter 8A, subchapter IV.

“*In loco parentis*” means in the place of a parent and charged with the same rights, duties, and responsibilities as a parent.

“*IRC*” means Internal Revenue Code.

“*Lead work*” means a responsibility assigned to an employee by management to direct (instruct, answer questions, distribute and balance work load, accept, modify or reject completed work, maintain attendance records, report infractions and provide input on staffing decisions) the work of two or more employees (federal, state, county, municipal and private employment organization, volunteers, inmates or residents).

“*Long-term disability*” means a condition of an employee who is determined by the state of Iowa’s long-term disability insurance carrier to be unable to work because of illness or injury.

“*Merit system*” means the system of human resource administration based on merit principles and scientific methods to govern the appointment, compensation, promotion, welfare, development, transfer, layoff, removal, and discipline of its civil employees and other instances of state employment established pursuant to Iowa Code chapter 8A.

“*Minimum qualifications*” means the minimum education, experience, or other background required to be considered eligible to apply for, or otherwise perform the duties of a particular job classification.

“*Nonmerit*” means a position that is exempt from the merit system.

“*Nonpay status*” means that period of time when an employee does not work during scheduled work hours and the work absence is not covered by any kind of paid leave. This includes employees who do not supplement workers’ compensation payments with paid leave.

“*Overtime*” means those hours that exceed 40 in a workweek for which an eligible employee is entitled to be compensated unless otherwise specified in a collective bargaining agreement.

“*Overtime covered class, employee, or position*” means a class, employee, or position determined to be eligible for premium overtime compensation.

“*Overtime exempt class, employee, or position*” means a class, employee, or position determined to be ineligible for premium overtime compensation.

“*Pay increase*” means an increase in pay within the pay range.

“*Pay plan*” means one of the various schedules of pay grades and salaries established by the director to which classes in the classification plan are assigned.

“*Permanent employee*” means any executive branch employee (except board of regents employees) who has completed at least six months of continuous nontemporary employment. When used in conjunction with coverage by the merit system provisions referred to in Iowa Code section 8A.411, “permanent employee” further means those employees who have completed the period of probationary status provided for in Iowa Code section 8A.413. For peace officers employed by the department of public safety, “permanent employee” means a peace officer who has completed a 12-month probationary period after appointment.

“*Permanent employment*” means any period of full-time or part-time executive branch service (except board of regents employment) in a nontemporary position for which the person is eligible to accrue leave and participate in the health and dental insurance programs administered by the department pursuant to 11—64.1(8A) or 11—64.2(8A).

“*Position*” means the grouping of specific duties and responsibilities assigned by an appointing authority that comprise a job to be performed by one employee. A position may be part-time or full-time, temporary or permanent, occupied or vacant, eligible or not eligible to be covered by a collective

bargaining agreement, or covered or not covered by merit system provisions. Each position in the executive branch of state government shall be assigned one of the job classifications published in the classification plan.

*“Position classification review”* means the process of studying the kind and level of duties and responsibilities assigned to a position by comparing those duties and responsibilities to classification descriptions, classification guidelines, or other pertinent documents in order to determine the proper job classification to which a position will be assigned.

*“Premium overtime rate of compensation”* means compensation equal to one and one-half hours for each hour of overtime.

*“Probationary employee”* means any executive branch employee (except board of regents employees) who has completed less than six months of continuous nontemporary employment. When used in conjunction with coverage by the merit system provisions referred to in Iowa Code section 8A.411, “probationary employee” further means those employees who have not completed the period of probationary status provided for in Iowa Code section 8A.413. For peace officers employed by the department of public safety, “probationary employee” means a peace officer who has completed less than 12 months of continuous nontemporary employment following appointment to a peace officer classification.

*“Promotion”* means the acceptance by a nontemporary employee of an offer by an appointing authority to move to a position in a class with a higher pay grade and may involve movement between positions covered by merit system provisions and positions not covered by merit system provisions.

*“Reassignment”* means the movement of an employee within the same organizational unit or to another organizational unit at the discretion of the appointing authority. A reassignment may include a change in duties, work location, days of work or hours of work and may be temporary or permanent. A reassignment may result in a change from the employee’s previous job classification.

*“Reclassification”* means the change of a position from one job classification to another based upon changes in the kind or level of the duties and responsibilities assigned by an appointing authority.

*“Red-circled salary”* means an employee’s salary that exceeds the maximum for the pay grade in the pay plan to which the employee’s class is assigned.

*“Regular rate of pay”* means the total compensation an employee receives including base pay, shift or educational differential, special or extraordinary duty pay, leadworker pay, or any other additional special pay.

*“Same pay grade”* means those pay grades in the various pay plans having the same pay grade number.

*“Service in the uniformed services”* means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, or examination to determine the fitness of the person to perform such duty.

*“Shift”* means one segment of a 24-hour period in the work schedule of an appointing authority (e.g., day, evening, night shift).

*“Shift differential”* means extra pay for eligible employees who work shifts other than the day shift.

*“Special duty assignment”* means the temporary assignment of a permanent employee to a position in another class.

*“Standby”* means those times when eligible employees are required by the appointing authority to restrict their activities during off-duty hours so as to be immediately available for duty.

*“Supervision”* means a responsibility assigned to an employee by management to direct the work of two or more employees and to hire, evaluate, reward, promote, transfer, lay off, recall, respond to grievances and discipline those employees.

*“Temporary”* means nonpermanent employment for a limited period of time.

*“Temporary services”* means staffing provided by an outside vendor under an authorized contract, such as a temporary employment service, for a limited period of time.

*“Transfer”* means the movement of an employee from a position in a job class to a vacant position for which the employee qualifies in the same or different job class in the same pay grade. A transfer may

include a change in duties, work location, days of work or hours of work. A transfer may be voluntary at the request of the employee, or involuntary at the discretion of the appointing authority.

“*Uniformed services*” means service as defined in 29 CFR Part 1002.

“*Veteran*” means any person honorably separated from active duty with the armed forces of the United States who served in any war, campaign, or expedition during the dates specified in Iowa Code section 35C.1.

“*Work time*” means all hours spent performing the duties of an assigned job; travel between job sites during or after the employee’s regular hours of work (where no overnight expenses are involved); rest periods allowed during the employee’s regular hours of work; and meal periods when less than 30 consecutive minutes is provided.

“*Workweek*” means a regularly recurring period of time within a 168-hour period of seven consecutive 24-hour days.

This rule is intended to implement Iowa Code sections 8A.401 to 8A.439.

[ARC 8265B, IAB 11/4/09, effective 12/9/09; ARC 0401C, IAB 10/17/12, effective 11/21/12; see Objection note at end of chapter; ARC 0460C, IAB 11/14/12, effective 12/19/12; ARC 4180C, IAB 12/19/18, effective 1/23/19]

[Filed 6/9/70; amended 1/15/75, amended IAC Supp. 7/28/75—published 9/22/75, effective 10/27/75]

[Filed 8/2/78, Notice 6/28/78—published 8/23/78, effective 9/27/78]

[Filed 10/12/79, Notice 8/22/79—published 10/31/79, effective 12/5/79]

[Filed 2/28/80, Notice 12/26/79—published 3/19/80, effective 4/23/80]

[Filed 11/7/80, Notice 6/25/80—published 11/26/80, effective 12/31/80]

[Filed 1/2/81, Notice 10/1/80—published 1/21/81, effective 2/25/81]

[Filed 8/14/81, Notice 6/24/81—published 9/2/81, effective 10/7/81]

[Filed 12/3/82, Notice 10/13/82—published 12/22/82, effective 1/26/83]<sup>1</sup>

[Filed emergency 7/15/83—published 8/3/83, effective 7/15/83]

[Filed 10/21/83, Notice 8/3/83—published 11/9/83, effective 12/14/83]

[Filed 2/24/84, Notice 1/4/84—published 3/14/84, effective 4/18/84]

[Filed 3/22/85, Notice 10/24/84—published 4/10/85, effective 5/15/85]

[Filed 7/26/85, Notice 5/22/85—published 8/14/85, effective 9/18/85]

[Filed 12/13/85, Notice 10/9/85—published 1/1/86, effective 2/5/86]

[Filed 4/4/86, Notice 1/15/86—published 4/23/86, effective 5/28/86]

[Filed emergency 7/1/86—published 7/30/86, effective 7/1/86]<sup>2</sup>

[Filed 10/17/86, Notice 8/13/86—published 11/5/86, effective 12/10/86]<sup>3</sup>

[Filed 7/24/87, Notice 6/17/87—published 8/12/87, effective 9/16/87]

[Filed 9/29/89, Notice 8/23/89—published 10/18/89, effective 11/24/89]

[Filed 5/25/90, Notice 4/18/90—published 6/13/90, effective 7/20/90]

[Filed 2/1/91, Notice 12/12/90—published 2/20/91, effective 3/29/91]

[Filed 11/20/91, Notice 8/21/91—published 12/11/91, effective 1/17/92]

[Filed 3/26/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]

[Filed emergency 8/5/93—published 9/1/93, effective 8/5/93]

[Filed 12/12/96, Notice 10/23/96—published 1/15/97, effective 2/19/97]

[Filed 12/23/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]

[Filed 8/12/99, Notice 6/16/99—published 9/8/99, effective 10/13/99]

[Filed emergency 6/29/00—published 7/26/00, effective 7/1/00]

[Filed emergency 5/31/02 after Notice 4/3/02—published 6/26/02, effective 7/1/02]

[Filed 12/31/03, Notice 11/26/03—published 1/21/04, effective 2/25/04]

[Filed 10/22/04, Notice 9/15/04—published 11/10/04, effective 12/15/04]

[Filed ARC 8265B (Notice ARC 8115B, IAB 9/9/09), IAB 11/4/09, effective 12/9/09]

[Filed ARC 0401C (Notice ARC 0180C, IAB 6/27/12), IAB 10/17/12, effective 11/21/12]

[Filed ARC 0460C (Notice ARC 0327C, IAB 9/5/12), IAB 11/14/12, effective 12/19/12]

[Filed ARC 4180C (Notice ARC 4045C, IAB 10/10/18), IAB 12/19/18, effective 1/23/19]

- <sup>1</sup> Effective date of 1.1(13), 1.1(31), 1.1(32), 1.1(35), and 1.1(54) delayed 70 days by the Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83. See details following chapter analysis.
- <sup>2</sup> See IAB Personnel Department.
- <sup>3</sup> Objection to Personnel Department rule 581—1.1(19A), definition of “confidential employee,” was imposed by the Administrative Rules Review Committee and was filed on December 2, 1986. This definition was amended in ARC 7009A, IAB 1/15/97, effective 2/19/97. The objection was lifted by the Committee at its meeting held October 9, 2012.