

CHAPTER 57
APPOINTMENTS

[Prior to 11/5/86, Merit Employment Department[570]]
[Prior to 2/18/04, see 581—Ch 8]

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

11—57.1(8A) Filling vacancies. Unless otherwise provided for in these rules or the Iowa Code, the filling of all vacancies shall be subject to the provisions of these rules. No vacant position in the executive branch shall be filled until the position has been classified in accordance with Iowa Code chapter 8A and these rules.

A former employee who has participated in any early retirement or early termination program shall not be eligible for any state employment, except as provided for in the applicable program.

A person who has served as a commissioner or board member of a regulatory agency shall not be eligible for employment with that agency until two years after termination of the appointment.

[ARC 0401C, IAB 10/17/12, effective 11/21/12; ARC 1568C, IAB 8/6/14, effective 9/10/14]

11—57.2(8A) Probationary appointment. Probationary appointments may be made only to authorized and established positions unless these rules provide otherwise. Appointments to positions covered by merit system provisions shall be made in accordance with 11—Chapter 56 when applicable.

11—57.3(8A) Provisional appointment. If the director is unable to provide at least six applicants for a position, an appointing authority may provisionally appoint a person who meets the minimum qualifications for the class to fill the position pending the person's appointment from an eligible list.

No provisional probationary appointment shall be continued for more than 30 calendar days after the date of original appointment.

Successive provisional appointments shall not be permitted. An employee with provisional status shall not be eligible for promotion, demotion, transfer, or reinstatement to any position nor have reduction in force or appeal rights, but provisional probationary employees shall be eligible for vacation and sick leave and other employee benefits.

An employee shall receive credit for time spent in provisional status that is contiguous to the period of probationary status.

11—57.4(8A) Temporary appointment. Persons may be appointed with temporary status to any class. They may be paid at any rate of pay within the range for the class to which appointed.

Temporary appointments may be made to temporary positions or to permanent positions, or on an overlap basis to unauthorized positions, and may be made to any class and at any rate of pay within the range for the class to which appointed.

A temporary appointment shall not exceed 780 work hours in a fiscal year.

A temporary employee shall have no rights to appeal, transfer, demotion, promotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits, unless the temporary employee becomes covered by a collective bargaining agreement, in which case the temporary employee may have rights under the collective bargaining agreement.

A person appointed with temporary status shall only be given another temporary type of appointment to the extent that the total number of hours worked in all temporary and seasonal appointments in any agency in a fiscal year does not exceed 780 hours.

[ARC 1568C, IAB 8/6/14, effective 9/10/14]

11—57.5(8A) Reinstatement. A permanent employee who left employment for other than just cause may be reinstated with permanent or probationary status to any class for which qualified at the discretion of an appointing authority. Reinstatement shall not require appointment from a list of eligibles. Former employees who retired and applied for retirement benefits under an eligible state retirement system or program are not eligible for reinstatement unless otherwise permitted by law.

A permanent employee who demotes may at any time be reinstated to a position in the class occupied prior to the demotion at the discretion of the appointing authority. Reinstatement shall not require appointment from a list of eligibles.

Former employees who are reinstated shall accrue vacation at the same rate as at the time they separated from state employment, and the employee's previous vacation anniversary date minus the period of separation shall be restored. This paragraph shall be effective retroactive to January 1, 1995.

[ARC 0401C, IAB 10/17/12, effective 11/21/12]

11—57.6(8A) Internship appointment. The director may authorize an appointing authority to make an internship appointment to an established position, or if funds are available, to an unauthorized position.

57.6(1) Internship appointments shall expire upon attainment of a degree.

57.6(2) Employees with internship status shall have no rights of appeal, transfer, demotion, promotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits of state employment, nor shall credit be given for future vacation accrual purposes.

57.6(3) Successful completion of an internship appointment of at least 480 hours shall authorize the appointee to be on promotional or all-applicant lists. Only persons formally enrolled in the department's intern development program are eligible to be on promotional lists. Successful completion shall be as determined by the director at the time of enrollment.

[ARC 3003C, IAB 3/29/17, effective 5/3/17]

11—57.7(8A) Seasonal appointment. The director may authorize appointing authorities to make seasonal appointments to positions. Seasonal appointments may be made to any class and at any rate of pay within the range for the class to which appointed. Seasonal appointments may, however, be made only during the seasonal period approved by the director for the agency requesting to make the appointment and must be concluded by the end of that period. To be eligible to make seasonal appointments, the appointing authority must first submit a proposed seasonal period to the director for approval. Such period shall not exceed six months in a fiscal year; however, the appointment may start as early as the beginning of the pay period that includes the first day of the seasonal period and may end as late as the last day of the pay period that includes the last day of the seasonal period.

Persons appointed with seasonal status shall have no rights to appeal, transfer, promotion, demotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits, unless the temporary employee becomes covered by a collective bargaining agreement, in which case the temporary employee may have rights under the collective bargaining agreement.

A person appointed with seasonal status shall only be given another temporary or seasonal appointment to the extent that the total number of hours worked in all temporary and seasonal appointments in any agency in a fiscal year does not exceed 780 hours.

[ARC 1568C, IAB 8/6/14, effective 9/10/14]

11—57.8(8A) Overlap appointment. When it is considered necessary to fill a position on an overlap basis pending the separation of an employee, the appointment of a new employee may be made in accordance with these rules for a period not to exceed 60 calendar days. An overlap appointment must be in the same class as the authorized position being overlapped, unless otherwise approved by the director. Any overlap appointment for a longer period must first be approved by the director.

11—57.9(8A) Noncompetitive appointments for disabled veterans. A disabled veteran who satisfactorily completes a federally funded job training program approved by the United States Department of Veterans Affairs in a state agency may be appointed noncompetitively into a vacant position in the job classification in which the veteran has been trained. A person who satisfactorily completes the program is eligible for a noncompetitive appointment with that agency for a period of one year. The appointment will be made in accordance with 11—subparagraph 54.2(4)“a”(4).

[ARC 1568C, IAB 8/6/14, effective 9/10/14]

11—57.10(8A) Rescinding appointments. If, after being appointed, it is found that an employee should have been disqualified or removed as provided for in these rules, the appointing authority may rescind the appointment. An employee with permanent status may file a grievance in accordance with 11—Chapter 61.

[ARC 8063B, IAB 8/26/09, effective 9/30/09; ARC 1568C, IAB 8/6/14, effective 9/10/14]

These rules are intended to implement Iowa Code chapter 8A, subchapter IV.

[Filed 7/14/69; amended 11/11/70, 3/9/71, 1/17/72, 3/28/74, 7/26/74, 5/13/75;

amended IAC Supp. 7/28/75—published 9/22/75, effective 10/27/75]

[Filed 9/16/76, Notice 8/9/76—published 10/6/76, effective 11/10/76]

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

[Filed 10/26/79, Notice 10/19/79—published 11/14/79, effective 12/20/79]

[Filed 3/14/80, Notice 2/6/80—published 4/2/80, effective 5/7/80]

[Filed 11/7/80, Notice 9/3/80—published 11/26/80, effective 12/31/80]

[Filed 4/23/81, Notice 3/4/81—published 5/13/81, effective 6/17/81]

[Filed 8/28/81, Notice 7/22/81—published 9/16/81, effective 10/21/81]

[Filed 12/18/81, Notice 10/14/81—published 1/6/82, effective 2/10/82]

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

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

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

[Filed emergency 6/13/86—published 7/2/86, effective 6/13/86]

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

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

[Filed 2/18/88, Notice 1/13/88—published 3/9/88, effective 4/13/88]

[Filed 2/1/90, Notice 12/13/89—published 2/21/90, effective 3/30/90]

[Filed 9/28/90, Notice 7/11/90—published 10/17/90, effective 11/23/90]

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

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

[Filed emergency 7/18/95—published 8/16/95, effective 7/18/95]

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

[Filed 4/3/98, Notice 2/25/98—published 4/22/98, effective 5/27/98]

[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 1/28/04, Notice 12/24/03—published 2/18/04, effective 3/24/04]

[Filed Without Notice ARC 8063B, IAB 8/26/09, effective 9/30/09]

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

[Filed ARC 1568C (Notice ARC 1503C, IAB 6/11/14), IAB 8/6/14, effective 9/10/14]

[Filed ARC 3003C (Notice ARC 2794C, IAB 11/9/16), IAB 3/29/17, effective 5/3/17]

¹ Effective date of amendments to 8.3 and 8.7 delayed 70 days by Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83. See details following chapter analysis.

NOTE: Rule 8.12 inadvertently omitted 8/12/87 and added 9/9/87.