

CHAPTER 59
PROMOTION, TRANSFER, TEMPORARY ASSIGNMENT, REASSIGNMENT
AND VOLUNTARY DEMOTION

[Prior to 11/5/86, Merit Employment Department[570]]
[Prior to 2/18/04, see 581—Ch 10]

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

11—59.1(8A) Promotion. An appointing authority may promote an employee with permanent status if the employee meets the minimum qualifications and other promotional screening requirements for the position. The employee must be on the list of eligibles for the position and available under the conditions stated on the list request. Vacancies must be filled in accordance with 11—Chapter 56.

[ARC 0401C, IAB 10/17/12, effective 11/21/12; ARC 3215C, IAB 7/19/17, effective 7/1/17]

11—59.2(8A) Reassignment. An appointing authority may reassign an employee. Reassignments may be intra-agency or interagency. Interagency reassignments require the approval of both the sending and the receiving appointing authorities.

An employee who refuses a reassignment may be discharged in accordance with rule 11—60.2(8A), except as provided in this rule.

If the reassignment of an employee would result in the loss of merit system coverage, an appointing authority may not reassign that employee without the employee's written consent regarding the change in merit system coverage. A copy of the consent letter shall be forwarded by the appointing authority to the director. If the employee does not consent to the change in coverage, a reduction in force may be initiated in accordance with these rules or the applicable collective bargaining agreement.

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

11—59.3(8A) Temporary assignments.

59.3(1) An appointing authority may assign a permanent employee to special duty when that employee is temporarily needed in another position. This assignment shall be without prejudice to the employee's rights in or to the regularly assigned position. Unless there is a statutory requirement to the contrary, the employee need not be qualified for the class to which temporarily assigned.

59.3(2) An appointing authority may temporarily assign a permanent employee duties that are extraordinary for the employee's class. These duties may be of a level higher than, lower than, or similar to the duties regularly assigned to the employee's class, and may be in addition to or in place of some or all of the employee's regularly assigned duties.

59.3(3) Requests shall be submitted to the director in writing for assignments to special duty or extraordinary duty that exceed three complete pay periods and shall explain the need and the period of time requested. Temporary assignments shall not initially be approved for a period longer than one year. Extensions may be requested. Requests shall be submitted on forms prescribed by the director.

59.3(4) An appointing authority may make temporary assignments without additional pay for up to three consecutive pay periods in a fiscal year. Approval of temporary assignments without additional pay beyond three consecutive pay periods may be granted by the director.

59.3(5) An appointing authority shall provide restricted duty work assignments, without change to an employee's class and regular pay rate, for those employees who have a medical release to return to restricted duty following a job-related illness or injury. The original period of restricted duty shall be the hourly equivalent of 20 workdays (which shall be on a pro-rata basis for part-time employees), or until the employee is medically released for full duty, whichever is less. Extensions to the original period may be requested by the appointing authority for approval by the director. Exceptions to this subrule must be approved by the director.

11—59.4(8A) Voluntary demotion. An appointing authority may grant an employee's written request for a demotion to a lower class. If the voluntary demotion involves movement from a position covered by merit system provisions to one that is not, the request must clearly indicate the employee's knowledge of the

change in merit system coverage. If the employee objects to the change in coverage, the demotion shall not take effect. Also, no demotion shall be made from one position covered by merit system provisions to another, or from a position not covered by merit system provisions to one that is, until the employee is approved by the director as being qualified. A copy of the voluntary demotion request shall be sent by the appointing authority to the director at the time of the demotion.

Voluntary demotion may be either intra-agency or interagency, and shall not be subject to appeal under these rules. Vacancies must be filled in accordance with 11—Chapter 56.

[ARC 3215C, IAB 7/19/17, effective 7/1/17]

11—59.5(8A) Transfer. Transfers are restricted to the movement of an employee to a vacant position of the same or different job class in the same pay grade. Transfers may be interagency or intra-agency. To be eligible to transfer, the employee must meet any minimum qualifications and selective requirements for the position. Vacancies must be filled in accordance with 11—Chapter 56.

An employee may request a voluntary transfer. The decision to grant or deny a request for voluntary transfer is made by the receiving appointing authority.

An appointing authority may involuntarily transfer an employee. To do so, any applicable collective bargaining agreement provisions regarding transfer must first be exhausted. Involuntary interagency transfers require the approval of both the sending and the receiving appointing authorities.

If the transfer of an employee would result in the loss of merit system coverage, the transfer shall not take place without the affected employee's written consent to the change in merit system coverage. A copy of the consent letter shall be forwarded by the appointing authority to the director. If the employee does not consent to the change in coverage, a reduction in force may be initiated in accordance with these rules or the applicable collective bargaining agreement.

[ARC 3215C, IAB 7/19/17, effective 7/1/17]

These rules are intended to implement Iowa Code sections 8A.401, 8A.402, 8A.411, 8A.413, 8A.414, 8A.417, 8A.418, 8A.439, 8A.453, 8A.456 and 8A.458.

[Filed July 14, 1969; amended October 19, 1970, July 26, 1974]

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

[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]

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

[Filed 12/3/85, Notice 10/9/85—published 12/18/85, effective 1/22/86]

[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]²

[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 4/29/88, Notice 3/9/88—published 5/18/88, effective 7/1/88]

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

[Filed 5/23/91, Notice 4/17/91—published 6/12/91, effective 7/19/91]

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

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

[Filed emergency 6/21/01 after Notice 5/16/01—published 7/11/01, effective 6/22/01]

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

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

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

[Filed Emergency After Notice ARC 3215C (Notice ARC 3072C, IAB 5/24/17), IAB 7/19/17, effective 7/1/17]

[Filed ARC 4053C (Notice ARC 3937C, IAB 8/15/18), IAB 10/10/18, effective 11/14/18]

- ¹ Effective date of Ch 10 delayed 70 days by Administrative Rules Review Committee. Delay lifted by Committee on 2/8/83. See details following chapter analysis.
- ² See IAB Personnel Department