

**495—33.3(17A,97B,ExecOrd11) Process for filing a petition.** Any person may file with the agency a petition requesting a waiver, in whole or in part, of a rule of the agency on the ground that the application of the rule to the particular circumstances of that person would qualify for a waiver.

A petition for a waiver must be submitted in writing to the Administrative Rules Coordinator, Iowa Public Employees' Retirement System (IPERS), 7401 Register Drive, P.O. Box 9117, Des Moines, Iowa 50306-9117. If the request relates to a pending contested case, the request shall also be filed in the contested case proceedings. Waiver rulings shall be made by agency staff having jurisdiction over the particular issue and having the authority to issue final rulings on appeals regarding such issues, provided that the CEO shall have final authority with respect to all waiver rulings.

**33.3(1) Contents of petition.** A petition for waiver does not need to follow a particular format, but must contain the following elements.

- a. The name, address, social security number, and telephone number of the petitioner and the name, address, and telephone number of the petitioner's representative, if any.
- b. The specific rule or rules for which a waiver is requested.
- c. The precise scope and operative period of the waiver requested, including any alternative means or other condition or modification proposed to achieve the purposes of the rule.
- d. A signed statement from the petitioner attesting to the accuracy of the facts provided in the petition.
- e. An explanation of the reasons for the waiver, including all material facts relevant to the waiver in question.
- f. A description of any prior contacts between the agency and the petitioner relating to the proposed waiver including, but not limited to, a list or description of prior notices, investigative reports, advice, negotiations, consultations or conferences, contested case rulings, and penalties relating to the proposed waiver.
- g. The name, address, and telephone number of any person or entity that would be adversely affected by the waiver in question.
- h. Any information known to the petitioner regarding the agency's treatment of similar cases.
- i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.
- j. Any signed releases required to obtain relevant information from persons with knowledge of such information.

**33.3(2) Burden of proof.** When a petition is filed for a waiver, the burden of proof shall be on the petitioner to demonstrate by clear and convincing evidence that the agency should grant the waiver.