

11—52.5(8A) Classification appeals.

52.5(1) If, following a position classification review request, a decision notice is not issued within the time limit provided for in these rules, or the appointing authority or the incumbent does not agree with the department's final position classification review decision, the appointing authority or the incumbent may request a classification appeal committee hearing. The request shall be in writing and shall be mailed to: Classification Appeal Committee Chair, Department of Administrative Services—Human Resources Enterprise, Hoover State Office Building, Level A, Des Moines, Iowa 50319-0150. The classification appeal hearing process is a contested case as defined by Iowa Code chapter 17A.

52.5(2) A classification appeal committee shall be appointed by the director.

52.5(3) A request for a classification appeal committee hearing must be in writing, state the reasons for the request and the specific classification requested. The request must be received in the department within 14 calendar days following the date the final position classification review decision notice was or should have been issued by the department.

52.5(4) Hearings.

a. The classification appeal committee shall schedule a hearing within 30 calendar days following receipt of the request for a hearing unless otherwise mutually agreed to in writing and signed by the parties.

b. All exhibits to be entered into evidence at the hearing shall be exchanged between the parties prior to the hearing.

c. Hearings will be scheduled and the requester will be notified via mail of the date, time and location.

d. The appellant shall carry the burden of proof to show by a preponderance of evidence that the duties of the requested job classification are assigned and carried out on a permanent basis and are performed over 50 percent of the time.

e. The committee shall grant or deny the job classification requested, remand the request to the director for further review, or decide whether there has been a substantive change in duties pursuant to an appeal under subrule 52.4(6) or 52.5(6).

f. The committee's written decision shall be issued within 30 calendar days following the close of the hearing and the receipt of any posthearing submissions. The written decision of the committee shall constitute final agency action.

52.5(5) Requests for rehearing and judicial review of final classification appeal committee decisions shall be in accordance with Iowa Code section 17A.19.

52.5(6) Following a final classification appeal committee decision, any subsequent request for review of the same position must be accompanied by a showing of substantive changes from the position description questionnaire upon which the previous decision was based.

a. A new position description questionnaire must be prepared, and all new and substantively changed duties must be identified as such on the new questionnaire.

b. The absence of such a showing of substantive changes in duties shall result in the request's being returned to the requester.

c. A decision to return a request for failing to show substantive change in duties as defined in subrule 52.5(7) may be appealed to the classification appeal committee in accordance with 11—52.5(8A).

d. The classification appeal committee shall rule only on the issue of whether a substantive change in duties has been demonstrated by the appellant.

e. The appellant has the burden of proof to show by a preponderance of evidence that there has been a substantive change in duties.

52.5(7) As it relates to subrules 52.4(6) and 52.5(6), the phrase "substantive change" means that sufficient credible evidence exists, in the form of the deletion or addition to the duties in the requester's present classification, that would cause a reasonable person to believe that the duties of the requested classification are assigned and carried out on a permanent basis and are performed over 50 percent of the time.