

# House Amendment 8079

## Amendment Text

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1 1 Amend [House File 2217](#) as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 "Section 1. Section [70A.1](#), unnumbered paragraph 1,  
1 5 Code 2001, is amended to read as follows:  
1 6 Salaries specifically provided for in an  
1 7 appropriation Act of the general assembly shall be in  
1 8 lieu of existing statutory salaries, for the positions  
1 9 provided for in the Act, and all salaries, including  
1 10 longevity where applicable by express provision in the  
1 11 Code, shall be paid according to the provisions of  
1 12 chapter 91A and shall be in full compensation of all  
1 13 services, including any service on committees, boards,  
1 14 commissions or similar duty for Iowa government,  
1 15 except for members of the general assembly. A state  
1 16 employee on an annual salary shall not be paid for a  
1 17 pay period an amount which exceeds the employee's  
1 18 annual salary transposed into a rate applicable to the  
1 19 pay period by dividing the annual salary by the number  
1 20 of pay periods in the fiscal year. Salaries for state  
1 21 employees covered by the overtime payment provisions  
1 22 of the federal Fair Labor Standards Act shall be  
1 23 established on an hourly basis. However, the state  
1 24 does not and has never intended to waive sovereign  
1 25 immunity from claims arising under the federal Fair  
1 26 Labor Standards Act by any state employee employed in  
1 27 a bona fide managerial capacity as defined in this  
1 28 section.  
1 29 Sec. 2. Section [70A.1](#), Code 2001, is amended by  
1 30 adding the following new unnumbered paragraph:  
1 31 NEW UNNUMBERED PARAGRAPH. For purposes of this  
1 32 section, a "state employee employed in a bona fide  
1 33 managerial capacity" means a state employee employed  
1 34 in a position in which the employee performs the  
1 35 duties of a bona fide executive, bona fide  
1 36 administrator, or a bona fide professional, as those  
1 37 duties are described in 29 C.F.R. } 541.1, 541.2, and  
1 38 541.3. The status of an employee employed in a bona  
1 39 fide managerial capacity is unaffected by the  
1 40 disciplinary policies applicable to such an employee,  
1 41 including, but not limited to, policies that may  
1 42 result in suspension from employment without pay.  
1 43 Sec. 3. EFFECTIVE DATE RETROACTIVE  
1 44 APPLICABILITY. This Act, being deemed of immediate  
1 45 importance, takes effect upon enactment, and is  
1 46 retroactively applicable to claims arising on or after  
1 47 January 1, 1990, and applies to all litigation pending  
1 48 on the effective date of this Act."  
1 49 #2. Title page, by striking lines 1 through 3, and  
1 50 inserting the following: "An Act relating to the  
2 1 applicability of the federal Fair Labor Standards Act  
2 2 to certain state employees and including an effective  
2 3 date and retroactive applicability provision."  
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2 7 COMMITTEE ON [LABOR AND INDUSTRIAL RELATIONS](#)

2 8 TYRRELL of Iowa, Chairperson

2 9 [HF 2217.901](#) 79

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