

STATE OF IOWA
1969

**IOWA
DEPARTMENTAL
RULES**

JULY
1969
SUPPLEMENT

Containing

The permanent rules and regulations of general application promulgated
by the state departments from January 1, 1969 to July 1, 1969



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NOTICE

The statutes provide that the Code Editor may publish cumulative, semi-annual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

PREFACE

This volume is published in compliance with section 14.3(7) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules and regulations promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

July 1969

THE EDITOR.

PUBLICATION OF DEPARTMENTAL RULES

Section 14.3 of the Code, subsection 7, requires the Code Editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having state-wide jurisdiction and authority to make such rules. The Code Editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application. The Code Editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa departmental rules and any rule printed therein may be cited as _____ I.D.R. _____ giving the year of publication and the page where the particular rule, by number, may be found.

"The Code Editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of such volume for insertion of such supplements."

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IOWA DEPARTMENTAL RULES JULY 1969

AUDITOR OF STATE

Pursuant to the authority of section 534.31 of the Code as amended by 62nd G.A., chapter 382, section 7, rules appearing in chapter 3, January 1968 Supplement to I.D.R., pages 9 and 10, and amended in the July 1968 Supplement to the I.D.R., pages 8 and 9, and amended in the January 1969 Supplement to the I.D.R., page 5, relating to the Savings and Loan Division are hereby further amended.

[Filed May 13, 1969]

ITEM 1.

Chapter 3 is hereby amended by adding the following section thereto:

3.3(534) Ninety-day notice accounts. The term "notice account" means any form of withdrawable account evidenced by an account book containing a requirement that the holder of the account will give the association written notice of at least ninety days prior to making each withdrawal from such account, except as otherwise provided in this paragraph. The association may provide that such notice prior to withdrawal will not be required at the end of a distribution period or within ten days thereafter in con-

nection with the withdrawal of funds which have remained in such account for at least ninety days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, an association may pay without such notice such account or the portion thereof necessary to meet such emergency: Provided, that before making such payment, the holder of such account shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal of such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the association since the last date as of which the association regularly distributed earnings on its savings accounts.

This amendment is intended to implement sections 534.10 and 534.42 of the Code.

[Effective May 13, 1969]

ENGINEERING EXAMINERS

Pursuant to authority of section 114.6 of the Code rules appearing in 1966 IDR, pages 162 and 163, are hereby amended as follows.

[Filed April 8, 1969]

Strike from rule No. 1 (e), lines 3-6, the words "take (when he appears for re-

examination that are, in the opinion of the board, necessary to establish his competence" and insert in lieu thereof the words "appear for re-examination".

This rule is intended to implement section 114.14 of the Code.

[Effective May 8, 1969]

HIGHWAY COMMISSION

Pursuant to authority of chapter 285 of the Acts of the 62nd General Assembly of the state of Iowa, the rules and regulations appearing in 1966 IDR at Pages 300-307 concerning the operation and movement

of vehicles of excess size and weight are hereby rescinded and the following adopted in lieu thereof.

[Filed February 5, 1969]

CHAPTER 2
SPECIAL PERMITS
OPERATION AND MOVEMENT OF
VEHICLES AND LOADS OF EXCESS
SIZE AND WEIGHT

2.1(62GA, Ch. 285) General stipulations. All permits issued by permit issuing authorities will be subject to the following general stipulations.

2.1(1) Permit issuing authorities will in their discretion and upon application and with good cause being shown therefore issue permits for the movement of vehicles with indivisible loads carried thereon which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466 of the Code, but not to exceed the limitations of chapter 285 of the Acts of the 62nd General Assembly.

2.1(2) *By whom issued.* All permits for the movement of oversize vehicles or vehicles and loads on the primary road system of Iowa will be issued only through the traffic weight operations department of the Iowa state highway commission, Ames, Iowa except those authorized to be issued by the Resident Maintenance Engineers of the Iowa state highway commission. All permits for the movements on other systems of highways and streets will be issued by the authority responsible for the maintenance of such systems of highways or streets.

2.1(3) Permits so issued may be single-trip permits or annual permits and the Iowa state highway commission will issue single-trip permits on primary road extensions in cities and towns in conjunction with movement on the rural primary road system.

2.1(4) The state of Iowa and the Iowa state highway commission and any other permit issuing authority assume no responsibility for the property of the applicant.

2.1(5) During the moving of a vehicle or object under permit, the applicant shall comply with the terms and conditions of the permit and take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners, and shall hold permit issuing authorities harmless of any damages that may be sustained by the traveling public or adjacent property owners or resulting to the highway systems of the state on account of movements made hereunder.

2.1(6) Nothing in the permit shall be construed as waiving any load limitations which have been or which might be established on any bridge or any road which is posted with embargo signs.

2.1(7) The permit and any supplements or additions thereto shall be void in case the weights or dimensions of the vehicle and load as operated exceed the weights or dimensions as provided in the permit and supplements or additions thereto. Provisions of the law as to maximum weight and dimensions, chapter 321, Code of 1966 as amended shall then apply.

2.1(8) No vehicle or combination of vehicles of illegal dimension with or without load shall be moved on the highways without permit except as provided in section 321.453 of the Code.

2.1(9) Permits are valid only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits, except in the transportation of property consisting of more than one article exceeding the statutory size limits when the statutory weight limitations are not exceeded and the additional articles transported do not exceed statutory size in any way in which such limits would not be exceeded by the single article.

2.1(10) Permits issued shall be in writing and shall be carried in the cabs of the vehicles for which the permits have been issued and shall be available for inspection at all times. The vehicle for which the permits have been issued shall be open to inspection by any peace officer or to any authorized agent of any permit granting authority.

2.1(11) Movements by permit shall be permitted only during daylight hours unless it is established by the issuing authority that the movement can be better accomplished at another period of time because of traffic-volume conditions. Except as provided in section 321.457 of the Code, no movement of overdimension vehicles shall be permitted on Saturday, Sunday, holidays or days preceding or following holidays or special events when abnormally high traffic volumes can be expected. Those legal holidays are: New Years, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day.

2.1(12) The towing unit for mobile homes or other towed loads, the weight

of which towed load exceeds 4500 pounds, shall be a one and one-half ton or larger truck or truck tractor having dual wheels. The towing unit for towed loads exceeding ten feet in width shall have at least a 120-inch wheel base or shall have an empty gross weight of 6000 pounds or more. Hitching requirements shall be consistent with those of the Iowa department of public safety.

2.1(13) Fees and costs required under these rules shall normally be paid in the form of certified check, cashier's check, traveler's check or bank draft. Cash and

personal checks may be accepted at the discretion of the issuing authority.

2.1(14) Financial responsibility. Proof of public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence and \$20,000 property damage will be required prior to the issuance of any permit. Such proof to be made by the submission of a certificate of insurance to the permit issuing authority.

2.1(15) Reserved for future use. [See rules following on page 26]

2.1(16) Schedule of maximum axle weights and maximum gross weights including tolerance.

Wheel Base Feet	Max. Ldg. Pounds Weight	Wheel Base Feet	Max. Ldg. Pounds Weight	Wheel Base Feet	Max. Ldg. Pounds Weight	Wheel Base Feet	Max. Ldg. Pounds Weight
13	48,000	22	58,000	31	76,000	40	87,000
14	48,000	23	60,000	32	78,000	41	88,000
15	48,000	24	62,000	33	80,000	42	89,000
16	48,000	25	64,000	34	81,000	43	90,000
17	48,000	26	66,000	35	82,000	44	90,000
18	50,000	27	68,000	36	83,000	45	90,000
19	52,000	28	70,000	37	84,000	46	90,000
20	54,000	29	72,000	38	85,000	47	90,000
21	56,000	30	74,000	39	86,000		Maximum

No single axle shall exceed 18,540 pounds.

No tandem axle shall exceed 34,000 pounds.

No triple axle shall exceed 42,000 pounds for gross weights of 75,000 pounds or less.

No triple axle shall exceed 48,000 pounds for gross weights exceeding 75,000 pounds.

2.1(17) Applications for permits and escort authorization for movements on the primary highway system shall be made and permits and authorizations shall be issued on highway commission forms 563, 564, 566, 567 and 568 which are set out in section 2.6 of the rules and regulations. Any applications to local authorities for permit or escort authorization made upon Forms 563, 564 and 566 through 568 shall be sufficient and accepted as properly made by local authorities.

Subject to the preceding, permit issuing authorities may adopt, amend or modify such forms provided that amended or modified forms adequately identify the applicant, the hauling vehicle and load, the manner and extent that the vehicle with load exceeds legal dimensions and weights specified in sections 321.452

through 321.466 of the 1966 Code of Iowa, route and trip distance where applicable and authorization of issuing authority.

2.2(62GA, Ch.285) Movements of loads exceeding twelve feet five inches in width.

2.2(1) Permits for the movement of indivisible loads exceeding twelve feet five inches in width shall be restricted to maximum trip distances in accordance with the schedules on pages 4, 5, 6, and 7, including adjustments for road widths of less than twenty-four feet and traffic volumes of less than 4000 vehicles per day and adjustments for gravel roads. (For 24-foot, 22-foot, 20-foot, 18-foot paved roadways and gravel surfaces where $a=4000$ or more vehicles per day, $b=3000$ or more vehicles per day, $c=2000$ or more vehicles per day,

HIGHWAY COMMISSION

$d=1000$ or more vehicles per day, and $e=$ under 1000 vehicles per day.)

2.2(2) A movement of an indivisible load over a highway or highways having sections carrying varying volumes of traffic and having varying surface widths shall be computed for the total distance of the lowest volume of traffic or the greatest highway width whichever produces the greatest distance by the following schedule. No part of the movement based on traffic volume and surface width shall exceed the distance established by the specific traffic volume and surface width for that section.

2.2(3) Computation of maximum trip distance when permits are issued by more than one authority to accomplish a single trip.

a. Permit issuing authorities shall issue permits for that portion of the total trip distance made upon roads within their jurisdiction using the schedule on pages 4, 5, 6, and 7. No permit issuing authority shall authorize a move for a distance exceeding the maximum trip distance allowable for the portion of the move within its jurisdiction.

b. The maximum trip distance allowable for a movement requiring permits from more than one issuing authority will be the greatest maximum distance allowed for any segment of the permit movement but shall not exceed fifty miles. The maximum distance shall not be extended by the fact that there is more than one issuing authority.

PAVED SURFACE

Actual Load Width	24' roadway (pavement)					22' roadway (pavement)				
	a	b	c	d	e	a	b	c	d	e
13'	50	50	50	50	50	23	41	50	50	50
14'	50	50	50	50	50	15	32	50	50	50
15'	41	50	50	50	50	10	23	41	50	50
16'	32	50	50	50	50	8	15	32	50	50
17'	23	41	50	50	50	7	10	23	41	50
18'	15	32	50	50	50	6 $\frac{1}{4}$	8	15	32	50
19'	10	23	41	50	50	5 $\frac{1}{2}$	7	10	23	41
20'	8	15	32	50	50	5	6 $\frac{1}{4}$	8	15	32
21'	7	10	23	41	50	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	23
22'	6 $\frac{1}{4}$	8	15	32	50	4	5	6 $\frac{1}{4}$	8	15
23'	5 $\frac{1}{2}$	7	10	23	41	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10
24'	5	6 $\frac{1}{4}$	8	15	32	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	8
25'	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	23	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7
26'	4	5	6 $\frac{1}{4}$	8	15	3	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$
27'	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$
28'	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	8	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	5
29'	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$
30'	3	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4
31'	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$
32'	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	5	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$
33'	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$
34'	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	1	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3
35'	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	$\frac{3}{4}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$
36'	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	$\frac{1}{2}$	1	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$
37'	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	0	$\frac{3}{4}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$
38'	1	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3	0	$\frac{1}{2}$	1	1 $\frac{1}{2}$	2
39'	$\frac{3}{4}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	0	0	$\frac{3}{4}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$
40'	$\frac{1}{2}$	1	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	0	0	$\frac{1}{2}$	1	1 $\frac{1}{2}$

PAVED SURFACE

Actual Load Width	20' roadway (pavement)					18' roadway (pavement)				
	a	b	c	d	e	a	b	c	d	e
13'	7	10	23	41	50	4 1/2	5 1/2	7	10	23
14'	6 1/4	8	15	32	50	4	5	6 1/4	8	15
15'	5 1/2	7	10	23	41	3 3/4	4 1/2	5 1/2	7	10
16'	5	6 1/4	8	15	32	3 1/2	4	5	6 1/4	8
17'	4 1/2	5 1/2	7	10	23	3 1/4	3 3/4	4 1/2	5 1/2	7
18'	4	5	6 1/4	8	15	3	3 1/2	4	5	6 1/4
19'	3 3/4	4 1/2	5 1/2	7	10	2 3/4	3 1/4	3 3/4	4 1/2	5 1/2
20'	3 1/2	4	5	6 1/4	8	2 1/2	3	3 1/2	4	5
21'	3 1/4	3 3/4	4 1/2	5 1/2	7	2 1/4	2 3/4	3 1/4	3 3/4	4 1/2
22'	3	3 1/2	4	5	6 1/4	2	2 1/2	3	3 1/2	4
23'	2 3/4	3 1/4	3 3/4	4 1/2	5 1/2	1 3/4	2 1/4	2 3/4	3 1/4	3 3/4
24'	2 1/2	3	3 1/2	4	5	1 1/2	2	2 1/2	3	3 1/2
25'	2 1/4	2 3/4	3 1/4	3 3/4	4 1/2	1 1/4	1 3/4	2 1/4	2 3/4	3 1/4
26'	2	2 1/2	3	3 1/2	4	1	1 1/2	2	2 1/2	3
27'	1 3/4	2 1/4	2 3/4	3 1/4	3 3/4	3/4	1 1/4	1 3/4	2 1/4	2 3/4
28'	1 1/2	2	2 1/2	3	3 1/2	1/2	1	1 1/2	2	2 1/2
29'	1 1/4	1 3/4	2 1/4	2 3/4	3 1/4	0	3/4	1 1/4	1 3/4	2 1/4
30'	1	1 1/2	2	2 1/2	3	0	1/2	1	1 1/2	2
31'	3/4	1 1/4	1 3/4	2 1/4	2 3/4	0	0	3/4	1 1/4	1 3/4
32'	1/2	1	1 1/2	2	2 1/4	0	0	1/2	1	1 1/2
33'	0	3/4	1 1/4	1 3/4	2 1/4	0	0	0	3/4	1 1/4
34'	0	1/2	1	1 1/2	2	0	0	0	1/2	1
35'	0	0	3/4	1 1/4	1 3/4	0	0	0	0	3/4
36'	0	0	1/2	1	1 1/2	0	0	0	0	1/2
37'	0	0	0	3/4	1 1/4	0	0	0	0	0
38'	0	0	0	1/2	1	0	0	0	0	0
39'	0	0	0	0	3/4	0	0	0	0	0
40'	0	0	0	0	1/2	0	0	0	0	0

GRAVEL ROAD ADJUSTMENT

Actual Load Width	30' Traveled Width					28' Traveled Width				
	a	b	c	d	e	a	b	c	d	e
13'	50	50	50	50	50	50	50	50	50	50
14'	50	50	50	50	50	50	50	50	50	50
15'	50	50	50	50	50	50	50	50	50	50
16'	50	50	50	50	50	50	50	50	50	50
17'	50	50	50	50	50	50	50	50	50	50
18'	50	50	50	50	50	50	50	50	50	50
19'	50	50	50	50	50	50	50	50	50	50
20'	50	50	50	50	50	50	50	50	50	50
21'	50	50	50	50	50	50	50	50	50	50
22'	50	50	50	50	50	50	50	50	50	50
23'	50	50	50	50	50	41	50	50	50	50
24'	50	50	50	50	50	32	50	50	50	50
25'	50	50	50	50	50	23	41	50	50	50
26'	50	50	50	50	50	15	32	50	50	50
27'	41	50	50	50	50	10	23	41	50	50
28'	32	50	50	50	50	8	15	32	50	50
29'	23	41	50	50	50	7	10	23	41	50
30'	15	32	50	50	50	6 1/4	8	15	32	50
31'	10	23	41	50	50	5 1/2	7	10	23	41
32'	8	15	32	50	50	5	6 1/4	8	15	32
33'	7	10	23	41	50	4 1/2	5 1/2	7	10	23
34'	6 1/4	8	15	32	50	4	5	6 1/4	8	15
35'	5 1/2	7	10	23	41	3 3/4	4 1/2	5 1/2	7	10

HIGHWAY COMMISSION

Actual Load Width	30' Traveled Width					28' Traveled Width				
	a	b	c	d	e	a	b	c	d	e
36'	5	6 $\frac{1}{4}$	8	15	32	3 $\frac{1}{2}$	4	5	6 $\frac{1}{2}$	8
37'	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	23	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7
38'	4	5	6 $\frac{1}{4}$	8	15	3	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$
39'	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$
40'	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	8	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	5

GRAVEL ROAD ADJUSTMENT

Actual Load Width	26' Traveled Width					24' Traveled Width				
	a	b	c	d	e	a	b	c	d	e
13'	50	50	50	50	50	50	50	50	50	50
14'	50	50	50	50	50	50	50	50	50	50
15'	50	50	50	50	50	41	50	50	50	50
16'	50	50	50	50	50	32	50	50	50	50
17'	50	50	50	50	50	23	41	50	50	50
18'	50	50	50	50	50	15	32	50	50	50
19'	41	50	50	50	50	10	23	41	50	50
20'	32	50	50	50	50	8	15	32	50	50
21'	23	41	50	50	50	7	10	23	41	50
22'	15	32	50	50	50	6 $\frac{1}{4}$	8	15	32	50
23'	10	23	41	50	50	5 $\frac{1}{2}$	7	10	23	41
24'	8	15	32	41	50	5	6 $\frac{1}{4}$	8	15	32
25'	7	10	23	41	50	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	23
26'	6 $\frac{1}{4}$	8	15	32	50	4	5	6 $\frac{1}{4}$	8	15
27'	5 $\frac{1}{2}$	7	10	23	41	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10
28'	5	6 $\frac{1}{4}$	8	15	32	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	8
29'	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	23	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7
30'	4	5	6 $\frac{1}{4}$	8	15	3	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$
31'	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	10	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$
32'	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	8	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	5
33'	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	7	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$
34'	3	3 $\frac{1}{2}$	4	5	6 $\frac{1}{4}$	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4
35'	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$
36'	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	5	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$
37'	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	4 $\frac{1}{2}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$
38'	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	4	1	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3
39'	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$	3 $\frac{1}{4}$	3 $\frac{3}{4}$	$\frac{3}{4}$	1 $\frac{1}{4}$	1 $\frac{3}{4}$	2 $\frac{1}{4}$	2 $\frac{3}{4}$
40'	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$	3	3 $\frac{1}{2}$	$\frac{1}{2}$	1	1 $\frac{1}{2}$	2	2 $\frac{1}{2}$

2.3(62GA, Ch. 285) Permits—their limitations and stipulations.

2.3(1) Annual permits (issued for a period of one year) for:

a. Vehicles and indivisible loads including mobile homes not to exceed the following dimensions and weights:

(1) Width—twelve feet five inches including appurtenances.

(2) Length—seventy feet zero inches over-all. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height (legal) thirteen feet six inches.

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). See schedule in sub-rule 2.1(16).

(5) Unlimited distance.

b. Vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—fourteen feet zero inches.

(2) Length—eighty feet zero inches over-all. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height (legal) thirteen feet six inches.

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). See schedule in subrule 2.1(16).

(5) Restricted to trip distances not to exceed fifty highway and street miles in total aggregate.

c. Vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—(legal) eight feet zero inches.

(2) Length 100 feet zero inches over-all. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height—(legal) thirteen feet six inches.

(4) Weight—(legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). See schedule in subrule 2.1(16).

(5) Restricted to trip distances not to exceed fifty highway and street miles in total aggregate.

d. The movement of truck trailers manufactured or assembled in the state of Iowa shall be limited to the following:

(1) Width—(legal) eight feet zero inches.

(2) Length—sixty-five feet over-all. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height—thirteen feet six inches.

(4) Weight—(legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). See schedule in subrule 2.1(16).

(5) Not to exceed forty-five miles per hour.

(6) Only on roadways of twenty-four feet in width or more.

(7) Solely for the purpose of delivery from the point of manufacture

or assembly to a point outside the state.

e. A fee of ten dollars payable prior to issuance of the permit.

f. Annual permits will be issued only upon receipt of a fully completed application form by mail or when the applicant appears in person.

g. Annual permits shall be issued to Iowa-base licensed vehicles only.

2.3(2) Single-trip permits (issued for the movement of a single load that exceeds statutory size from point of origin to point of ultimate destination) for:

a. Vehicles with indivisible loads including mobile homes not to exceed the following dimensions and weights:

(1) Width—twelve feet five inches including appurtenances.

(2) Length—eighty feet zero inches over-all. No mobile home may be moved if the actual mobile home unit exceeds sixty-eight feet in length. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height—(legal) thirteen feet six inches.

(4) Weight—(legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). See schedule in subrule 2.1(16).

(5) Unlimited distance.

b. Vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—twelve feet zero inches.

(2) Length—eighty feet zero inches. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions.

(4) Weight—(including all tolerances)—18,540 pounds (single axle). Weights for groups of axles, see subrule 2.1(16) 75,000 pounds (total gross weight).

(5) Unlimited distance over specified routes.

c. Vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—twelve feet zero inches.

(2) Length—eighty feet zero inches over-all. Front-end projection may in the discretion of the issuing authority exceed fifteen feet zero inches.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions.

(4) Weight—(including all tolerances)—18,540 pounds (single axle). Weights for groups of axles, see subrule 2.1(16)—90,000 pounds (total gross weight).

(5) Unlimited distance over specified route.

d. Vehicles with indivisible loads subject to the following dimensions and weights:

(1) Width—exceeding twelve feet zero inches and up to forty feet zero inches over-all width.

(2) Length—not to exceed 120 feet zero inches over-all. Front-end projection may in the discretion of the issuing authority exceed fifteen feet.

(3) Height—limited only to limitations of underpasses, bridges, power lines and other established height restrictions.

(4) Weight—(including all tolerances)—18,540 pounds (single axle). Weights for groups of axles, see subrule 2.1(16)—90,000 pounds (total gross weight).

(5) Distance limited to the schedule of total trip distances. See rule 2.2—over specified routes, in all cases must be accompanied by an official escort approved by the issuing authority.

e. Vehicles especially designed for the movement of grain bins and vehicles with indivisible loads not to exceed the following dimensions and weights:

(1) Width—(legal) eight feet zero inches.

(2) Length—120 feet over-all. Front-end projection may in the dis-

cretion of the issuing authority exceed fifteen feet zero inches.

(3) Height—(legal) thirteen feet six inches.

(4) Weight—(legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (tandem axle), 42,000 pounds (triple axle), and 73,280 pounds (total gross weight). See schedule 2.1(16).

f. Vehicles with indivisible loads exceeding the total gross weight of 90,000 pounds may be moved in special or emergency situations.

(1) Weight—gross weight on any axle shall not exceed 18,540 pounds including tolerances.

g. Special or emergency situations (definitions).

(1) Shall be defined as those where it is necessary to co-operate with national defense officials.

(2) Or where it is necessary to co-operate with cities, towns, counties or other state agencies in response to national or other disasters.

(3) Or where it is necessary to co-operate with public or private utilities in order to maintain their public services.

(4) Or uncommon and extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.

(5) The issuing authority at its discretion may require an additional escort either official or civilian approved.

h. Fees and costs.

(1) A fee of five dollars will be charged for each single-trip permit payable prior to the issuance of the permit.

(2) Permit issuing authorities may charge any permit applicant a fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

(3) Permit issuing authorities may charge any permit applicant a fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges payable prior to the issuance of the permit.

(4) Permit issuing authorities may require the applicant to file a bond, certified check or other assurance in an amount sufficient to cover the reasonably anticipated cost of damage or loss to private property, either real or personal, likely to be caused by or arising out of the movement of the vehicle and load. The amount of the above may be reduced either in whole or in part by the applicant's submission to the permit issuing authority of written permission from affected third parties stating in substance that the third party either owns or has the right of exclusive possession and control over the affected property and does by his signature consent to the move and states that the applicant has in hand paid or secured the payment of the anticipated cost of loss or damage to his property.

i. Single-trip permits for movement on the primary highway system shall be issued:

(1) By the traffic weight operations department (permit section), Iowa state highway commission, Ames, Iowa, upon receipt of permit application and the permit fee by mail.

(2) When the permit applicant appears in person at the traffic weight operations department (permit section), Ames, Iowa.

(3) By telephone—telegraph when load does not exceed 90,000 pounds total gross weight, width does not exceed twelve feet five inches, over-all length does not exceed eighty feet, height does not exceed fourteen feet four inches (provided specific route will allow the height of the load). The permit section may be contacted directly by telephone except for the movement of mobile homes and buildings for which a permit must be submitted in person or by mail at the permit office. Upon approval of the permit application submitted, a telegram permit may then be issued provided that in cases where an escort is required for the move, an approved civilian or official escort is indicated on the application. In all cases the permit fee must be received prior to the issuance of the permit.

(4) By the highway commission resident maintenance engineer's office when the vehicle and load does not exceed (without traffic weight operations concurrence):

a. 75,000 pounds total gross weight.

b. Twelve feet five inches in width and eighteen feet zero inches width of buildings.

c. Eighty feet zero inches over-all length.

d. Fourteen feet four inches in height (provided specific route will allow the height of the load).

(5) By Iowa highway commission resident maintenance engineer's office when vehicle and load exceeds: (Must have traffic weight operations concurrence by telephone before the permit is issued).

a. 75,000 pounds but not to exceed 90,000 pounds total gross weight.

b. Twelve feet five inches in width but not to exceed forty feet provided official escort is obtained by the applicant.

c. Eighty feet zero inches in length but not to exceed 120 feet zero inches provided approved escort is obtained by the applicant.

d. Fourteen feet four inches in height provided affected public utilities are contacted and proper line crews are available.

2.3(3) Warning devices for overdimension vehicles and loads operating under single-trip or annual permit as follows:

a. Mobile homes must display:

(1) A sign at least fourteen inches high by five feet long marked "Oversize Load" with a minimum of ten-inch black letters on a yellow background and mounted on the rear of the mobile home. Such sign must be mounted on the rear of the load at least seven feet above the highway surface measuring from the bottom of the sign.

(2) A similar sign as in "a"(1) above, mounted on the front bumper of the towing unit.

(3) Red flags at least eighteen inches square placed in holders on each corner of the front bumper of the towing unit and on the corners of the rear of the load.

b. Buildings and other loads exceeding eight feet zero inches in width and up to sixty-five feet in length must display:

(1) A sign at least fourteen inches high by five feet long marked "Wide Load" with a minimum of ten-inch

black letters on a yellow background and mounted on the rear of the load.

(2) A similar sign as in "b"(1) above, mounted on the front bumper of towing unit.

(3) Red flags at least eighteen inches square placed in holders on each corner of the front bumper of the towing unit and on the corners of the rear of the load.

c. Loads exceeding sixty-five feet in length must display:

(1) A sign at least fourteen inches high by five feet long marked "Long Load" with a minimum of ten-inch black letters on a yellow background and mounted on the rear of the load.

(2) A similar sign as in "c"(1) above, mounted on the front bumper of the towing unit.

(3) Two red flags at least eighteen inches square and elevated two feet above the load and mounted at each rear corner of the hauling vehicle when overlength loads (example: poles, pipes, beams, etc.) are hauled where the above-described sign in "c"(1) is not practical. On these types of loads red flags or a flashing amber light shall be placed strategically on any load extension beyond the rear of the hauling vehicle. Such flashing light must be at least five inches in diameter and have at least fifty candle-power.

(4) Red flags at least eighteen inches square placed in holders on each corner of the front bumper of the towing unit and on the rear corners of the load.

d. In those cases where the load being hauled is both long and wide and the over-all length exceeds sixty-five feet, the warning devices as described in "c" above shall be required.

e. Loads exceeding 73,280 pounds total gross weight shall not be required to display warning devices unless width or length exceeds legal dimensions.

f. All warning devices described in this section shall be clean at all times and shall be removed or covered when the vehicle is not being operated under permit.

g. Warning signs not consistent with the wording requirements as described in "a", "b", and "c" above must be approved by the permit issuing authority

prior to their usage on oversize vehicles and loads. Coloring schemes and dimensions of signs shall be consistent with the above requirements.

2.4(62GA, Ch. 285) Escorting—civilian and official.

2.4(1) Civilian escort authorization.

a. A blanket authorization is an authorization issued by the permit issuing authority for the escorting of vehicles and loads subject to these rules under circumstances where the escort driver is an employee of the permit holder.

b. An individual authorization is an authorization issued by the permit issuing authority for the escort of vehicles and loads subject to these rules under circumstances where the escort driver is an agent but not an employee of the permit holder or is an individual or an employee of another under contract to provide escort service for the permit holder.

c. Permit issuing authorities may in their discretion issue blanket escort authorization to all annual permit holders and to permit holders when it is necessary to co-operate with:

- (1) National defense officials.
- (2) Cities, towns, counties or other agencies of this state or other states in response to national or other disasters.
- (3) Public or private utilities in order that they may maintain their public service.
- (4) Businesses where in the ordinary course of the permit holder's business it is necessary to move vehicles with loads that qualify for single-trip permits.

2.4(2) General escorting requirements.

a. Shall use a vehicle of a general size approximating that of a normal passenger automobile with sufficient mobility so as to be able to avoid and assist in the event of an emergency and of such design so as to afford clear and unobstructed vision both front and rear.

b. All escort operators shall be age twenty-one or over and shall be in possession of a valid chauffeur's license or have recently passed the written and vision examination for an Iowa chauffeur's license and have a valid operator's license.

c. Shall equip the escorting vehicle with an amber revolving light. Such light shall be at least seven inches high, seven

inches in diameter with at least a 100-candlepower lamp and must provide 360° warning. During the escorting of a permit load, the revolving light shall be mounted on top of the escort vehicle and shall be burning. Additional escort vehicle markings may be approved or required by the permit issuing authority.

d. Two red flags shall be mounted on the front bumper of the escort vehicle.

e. Shall maintain a distance of approximately 300 feet in front of the load and where required from the rear of the same except when traveling within the corporate limits of a city or town at which time the escort shall maintain a reasonable and proper distance consistent with existing traffic conditions.

f. A separate escort shall be provided for each load hauled under escort.

g. All traffic laws shall be obeyed.

h. The operator of the escort vehicle shall warn traffic by means of a red flag, of the approaching load at danger points such as bridges and corners where the loaded vehicle is going to make a turn.

i. Shall immediately prior to an escort, find the escorting vehicles to be in safe operational condition.

2.4(3) Individual authorization requirements.

a. All such operators shall submit their full names, the date of their birth, chauffeur's license number and date of issuance in writing to traffic weight operations in Ames, Iowa.

b. In those cases where the escort vehicle is not operated under blanket civilian authorization, the owner of the escort vehicle shall file with traffic weight operations proof of public liability insurance in the amounts of \$100,000-\$200,000-\$20,000. Such proof to be made by the submission of a certificate of insurance.

c. Upon compliance with the above, the individual civilian escort operator will receive proof of authorization from the director of traffic weight operations and shall be in possession of same throughout any move for which he is providing such service.

d. In consideration of the issuance of said authorization and in order to defray the expense of the same, the director shall charge a fee of five dollars, which

authorization shall be good and effective for a term of one year from the time of its issuance, subject to the applicant's subsequent compliance with official rules and regulations promulgated under authority of chapter 285 of the Acts of the 62nd General Assembly.

2.4(4) Except as otherwise specifically provided, approved civilian and official escorts shall be required for movement under single-trip permit as follows:

a. One approved civilian escort shall be required when the vehicle with load exceeds:

(1) The roadway lane width and the total gross weight of the vehicle with load is 73,280 pounds or less and its width does not exceed twelve feet five inches and its length does not exceed eighty feet zero inches and its height does not exceed thirteen feet six inches.

(2) The roadway lane width and the total gross weight of the vehicle with load is more than 73,280 pounds but less than 75,000 pounds and its width does not exceed twelve feet zero inches and the length does not exceed eighty feet zero inches.

(3) 75,000 pounds but not more than 90,000 pounds total gross weight and its width does not exceed twelve feet zero inches and its length does not exceed eighty feet zero inches.

(4) Eighty feet zero inches in length but not more than 120 feet zero inches in length, or the vehicle is one especially designed for the exclusive movement of grain bins with a length of more than eighty feet zero inches but not more than 120 feet zero inches and their widths do not exceed eight feet zero inches and their total gross weights do not exceed 73,280 pounds and their heights do not exceed thirteen feet six inches.

b. An official escort operator shall include any peace officer, (sheriff, deputy sheriff, policeman, highway patrolman, and uniformed highway commission escort) on or off duty and one such official escort shall be provided when the vehicle with load exceeds:

(1) Twelve feet five inches in width.

(2) Eighty feet zero inches in length and either its width exceeds eight feet zero inches or its height exceeds thirteen feet six inches or its total gross weight exceeds 73,280 pounds.

(3) 75,000 pounds total gross weight and either its width exceeds twelve feet zero inches or its length exceeds eighty feet zero inches.

(4) 90,000 pounds total gross weight.

2.4(5) Approved escorts shall be required when movement is made under annual permit as follows:

a. One approved civilian escort shall be required when:

(1) Vehicle and load exceeds the roadway lane width of the highway or street being traversed.

(2) The length of the vehicle and load exceeds eighty feet zero inches.

2.5(62GA, Ch. 285) Permit violation. All permit violations are to be reported to traffic weight operations by the arresting officers who in turn will make periodic reports to the commission of the type and number of violations.

2.5(1) Permit violation reports by the arresting officer to include:

a. The time, date, location, summons number, the arresting officer's signature, the nature of the violation or violations, the name of the violator, the name of the permit holder and type and number of permit.

b. Remarks of the arresting officer.

(1) The arresting officer shall note the circumstances of the violation to include those tending to show the nature of the same. The arresting officer should also indicate whether in his opinion the violation was intentional or inadvertent.

c. Remarks by the arrested driver.

(1) The arrested driver should read the arresting officer's report and should note any corrections to the report and give a summary of his reason for the violation.

(2) The arrested driver may sign the report.

d. Remarks by the magistrate.

(1) The magistrate before whom the case is presented shall be requested to indicate his decision and also his opinion as to whether the violation was intentional or inadvertent.

(2) The magistrate shall sign the report.

e. The report forms are to be submitted at the end of each day to traffic weight operations office in Ames, Iowa, by the arresting officer. Said forms shall be completed in triplicate, the original copy going to the arrested driver, the second copy to the Ames office and the third copy retained by the arresting officer.

f. The permit violation reports are to be filed by the traffic weight operations office and a record of the reports properly kept up to date.

2.5(2) Permit violation reports by traffic weight operations to the commission.

a. The director of traffic weight operations is to report to the Iowa state highway commission that a permit holder has accumulated violations on five or more occasions or has one violation in a manner as to indicate a willful violation by the permit holder.

b. Such report shall contain:

(1) The name of the permit holder in violation and the type and number of the permit.

(2) The director of traffic weight operations opinion as to whether or not the permit holder is operating in willful disregard for the safety of the traveling public and adjacent private or public property owners.

c. Such opinion shall be supported by a factual summary of all violations of sections 321.454, 321.456, 321.457, 321.463 and of chapter 285 [Acts 62G.A.] as reported for every occasion upon which the violation occurred.

d. Before formulating such opinions the director of traffic weight operations shall consider the evidence relating to:

(1) The character of the violation.

(2) The gravity of the violation.

(3) The extent of the operations of any vehicles by or on behalf of the permit holder upon the public highways of this state which did not involve violations.

e. Such report shall contain recommendations by the director of traffic weight operations to amend, modify, or revoke the permit.

2.5(3) Hearing to show cause why permit should not be amended, revoked or modified.

a. If the Iowa state highway commission shall concur in the recommendations as mentioned in subrule 2.5(2) "e", above, the permit holder shall be notified of the time and place at which he might appear to present cause why the permit or future permits should not be amended, modified or revoked.

2.6 Iowa state highway commission Forms 563, 564 and 566 through 568 to be used for the issuance of permits and escort authorization for movements of over-size-overweight vehicles and loads on the primary highway system of Iowa. Highway commission Form 569 is for the reporting of permit violations on Iowa roads.

Form 566

IOWA STATE HIGHWAY COMMISSION

CIVILIAN ESCORT BLANKET APPLICATION AND AUTHORIZATION

Blanket Authorization No. _____

Date Issued _____

Authorization Fee \$5.00

Applicant _____
(Company Name)

Address _____

Ins. Co. _____

Policy No. _____ Expiration Date _____

Applicant does hereby agree to and does hereby state that the civilian escort driver escorting under authority of this authorization will be and is an employee of the applicant and not an independent contractor or agent of the applicant or any third party who is not also applicant's employee and that escort driver complies with the escort provisions as indicated on the back of this form.

Signature and official title

Applicant is hereby authorized to provide civilian escort service for movement of vehicles and loads of excess size and weight under permit as provided in Chapter 285 of the Acts of the 62nd General Assembly of the State of Iowa.

Expires _____, 19____

Fee Received _____

Director, Traffic Weight Operations

BY _____

Copy of this authorization must be in the possession of the civilian escort during escorting of a permit load. Make fee payable to the Iowa State Highway Commission.

HIGHWAY COMMISSION

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Form 567

IOWA STATE HIGHWAY COMMISSION

CIVILIAN ESCORT APPLICATION AND AUTHORIZATION

Authorization No. _____

Date Issued _____

Authorization Fee \$5.00

Applicant _____
(Please print)

Address _____

Ins. Co. _____

Policy No. _____ Expiration
Date _____

Birth Date _____ Chauffeur's No. _____ Date
Issued _____

I do by my signature hereby certify that the above is true and correct.

Applicant's Signature

The above has been approved as a civilian escort and is hereby authorized to provide civilian escort service for movement of vehicles and loads of excess size and weight under permit as provided in chapter 285 of the Acts of the 62nd General Assembly of the state of Iowa.

Expires _____, 19____

Fee Received _____

Director, Traffic Weight Operations

BY _____

Authorization must be in the possession of the civilian escort during escorting of a permit movement. Make fees payable to Iowa State Highway Commission.

Back Side of Form 566 and 567

AUTHORIZED CIVILIAN ESCORT PROVISIONS

1. Shall use a vehicle of a general size approximating that of a normal passenger automobile with sufficient mobility so as to be able to avoid and to assist in the event of an emergency and of such design so as to afford clear and unobstructed vision both front and rear.
2. All escort operators shall be age 21 or over and shall be in possession of a valid chauffeur's license or have recently passed the written and vision examination for an Iowa chauffeur's license and have a valid operator's license.
3. Shall equip the escorting vehicle with an amber revolving light. Such light shall be at least seven inches high, seven inches in diameter with at least a 100-candlepower lamp and must provide 360° warning. During the escorting of a permit load, the revolving light shall be mounted on top of the escort vehicle and shall be burning.
4. Two red flags shall be mounted on the front bumper of the escort vehicle.
5. Shall maintain a distance of approximately 300 feet in front of the load and where required from the rear of the same except when traveling within the corporate limits of a city or town at which time the escort shall maintain a reasonable and proper distance consistent with existing traffic conditions.
6. A separate escort shall be provided for each load hauled under escort.
7. All traffic laws shall be obeyed.
8. The operator of the pilot vehicle shall warn traffic by means of a red flag, of the approaching load at danger points such as bridges and corners where the loaded vehicle is going to make a turn.
9. Shall immediately prior to an escort, find the escorting vehicles to be in safe operational condition.

Form 568

CIVILIAN ESCORT FORM

Chauffeur's License Requirements

Iowa State Highway Commission
Ames, Iowa

Name _____

Address _____

Birth Date _____

Operator's License No. _____

Operator's Signature

The aforementioned has successfully completed the written examination and vision examination for an Iowa chauffeur's license on _____, 19____.

Remarks: _____

Examiner's Signature No.

Send completed form to T.W.O., Highway Commission, Ames, Iowa.

Form 569

PERMIT VIOLATION REPORT

Date of Violation _____ Time _____ Location _____

Name of Violator _____

Address _____

Name of Permit Holder _____

Address _____

Permit Type _____ Number _____ Summons No. _____

*Nature of Violation or Violations _____

**Remarks by Arresting Officer _____

Signed _____
T.W.O. Officer

***Remarks by Arrested Driver _____

Signed _____
Driver

****Remarks by Magistrate _____

Signed _____
Magistrate

* Arresting officer should note circumstances of violation.

** Arresting officer should indicate whether in his opinion, the violation was intentional or inadvertent.

*** Arrested driver may sign his name at his option.

**** Magistrate shall be requested to indicate his decision and opinion as to whether the violation was intentional or inadvertent.

STATE OF IOWA
TRAFFIC WEIGHT OPERATIONS
Iowa State Highway Commission
Ames, Iowa

Permit and Receipt No. _____
Date of Permit _____
Remit \$5 fee payable to Iowa Highway
Commission.

SINGLE TRIP

Application and Permit and Receipt
APPLICANT MUST FULLY COMPLETE THIS FORM
(Please Print or Use Typewriter)

Name _____ Address _____

1. Applicant _____

2. Owner of Vehicle _____

3. Owner of Load _____

4. Is this move for hire? Yes ___ No ___ If yes, Ia.C.C. or I.C.C. No. _____
Towing vehicle _____ Towed vehicle _____

5. General _____
Truck ___ Semitrailer ___
Truck-tractor ___ Other _____

11. Object or load to be moved:
General description _____
Make _____
License No. _____
Serial No. _____

6. Make _____

7. License No. _____
and State _____

12. Over-all dimensions of vehicle
and load:
Length Ft. ___ In. ___
Height Ft. ___ In. ___
Width Ft. ___ In. ___
Front-End Projection Ft. ___ In. ___

8. License Class _____
(tonnage) _____

9. Empty Weight _____

13. Axle spacing 1st ___ 2nd ___ 3rd ___
4th ___ 5th ___ 6th ___

10. Total Gross _____
Weight _____

14. Escort: Name and Authorization
Number _____

15. Maximum gross weight of any 2-axle assembly ___ lbs. Maximum gross weight
of any 3-axle assembly ___ lbs.

16. From _____ To _____ 17. Total Distance _____ miles.
Routes _____

18. Is any loss or damage to private or public property likely to occur as a
result of the move? Yes ___ No ___ If yes, estimate amount _____

19. Does vehicle meet the safety standards as prescribed in Sections 321.381
through 321.451 of the Iowa Code? Yes ___ No ___

HIGHWAY COMMISSION

20. Is it possible to make vehicle or load legal (width 8', height 13'6", length 55', weight 73,280 pounds) by adjusting manner or transport? Yes___ No___

If no, explain _____

21. Does applicant have public liability insurance (\$100/200/20) on file with Traffic Weight Office, Ames, Iowa? Yes___No___ If no, SUBMIT CERTIFICATE OF INSURANCE

22. I _____ do solemnly swear that I have read the entire permit and application and have fully completed all statements and provided all data called for herein truthfully and correctly and I agree to abide by all General Provisions set forth herein including those found on the reverse side hereof.

(Notary Seal)

Signature

23. Subscribed and sworn to before me this ___ day of _____, 19___

_____ in and for _____ County, State of _____.

Notary Public

NOTE—DO NOT WRITE BELOW FOR OFFICIAL USE ONLY

24. THIS IS YOUR AUTHORITY TO MOVE _____

Of ___length, ___width, ___height, ___Front-End Projection, ___Total Gross Weight.

For ___miles. Speed shall not exceed ___MPH. Permit expires at sunset _____, 19___.

The vehicle, vehicle with load, shall be escorted by ___Civilian Approved ___Official Escort.

25. Movement shall be made in compliance with 1 through 24 above and with all General Provisions of this permit. This permit is voidable for falsification of the application or for any violation of a term, condition, provision or limitation of the permit.

Director, Traffic Weight Operations

BY _____
Permit Officer

RECEIVED FROM _____ CASHIER'S RECEIPT NO. _____

___ DOLLARS FOR PERMIT DATE _____, 19___

___ DOLLARS FOR TELEPHONE CHARGE TO ACCOUNT _____
CHARGE

___ TOTAL DOLLARS

GENERAL PROVISIONS

State of Iowa and highway commission assume no responsibility for property of the permit holder by issuance of this permit.

The permit holder shall comply with terms and conditions of the permit, take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners, and shall hold the state of Iowa and highway commission harmless of any damages that may be sustained on account of such move.

The permit holder shall hold the state and the highway commission harmless for any damages that may result to primary highways by movement made hereunder and shall reimburse state or highway commission for any expenditure which state or highway commission may have to make on account of such move.

Nothing in the permit shall be construed as waiving any load limitations which have been or which might be established on any bridge or any road with embargo signs nor the wheel base maximum load limitations of subrule 2.1(16) of the Rules and Regulations for the issuance of permits.

Permit and any supplements or additions thereto shall be void in case the weights or dimensions of the vehicle and load as operated exceed the weights or dimensions as provided in the permit and supplements or additions thereto.

No vehicle or combination of vehicles of illegal dimensions, with or without load, shall be moved on Iowa highways without permit.

Permit is valid only for the transporting of a single article per move exceeding statutory size or weight limits or both, and which cannot reasonably be divided, or reduced to statutory size and weight limits, etc., except in the transportation of property consisting of more than one article exceeding the statutory size limits when the statutory weight limits are not exceeded and the additional articles transported do not exceed statutory size in any way in which such limits would not be exceeded by the single article.

Permit shall be carried in the cab of the vehicle for which the permit is issued and shall be available for inspection at all times. Vehicles for which permit is issued shall be open to inspection by any peace officer or any authorized agent of any permit granting authority.

Movements under permit shall be made only during daylight hours unless it is established by the issuing authority that movement can be better accomplished at another period of time because of traffic volume conditions. Except as provided in section 321.457 of the Code, no movement of over-dimension vehicles shall be permitted on Saturdays, Sundays, or the day of, before or after the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day or days of special events when abnormally high traffic volumes can be expected.

The permit vehicle shall not exceed, consistent with the safety of the traveling public, that speed specified by this permit.

The permit holder must take steps necessary to avoid and reduce traffic congestion by maintaining proper traffic interval, temporarily relinquishing the travel way in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the permit vehicle. This shall be done as soon as conveniently possible as soon as a *group of two or more vehicles* have accumulated in back of permit vehicle.

The permit holder must notify the Director of Traffic Weight Operations, Highway Commission, Ames, Iowa, in writing of the fact of the occurrence of any reportable motor vehicle accident involving any permit vehicle.

All vehicles and loads exceeding legal dimensions must display warning devices as stipulated in subrule 2.3(3) of the Rules and Regulations for the issuance of permits.

HIGHWAY COMMISSION

STATE OF IOWA
TRAFFIC WEIGHT OPERATIONS
Iowa State Highway Commission
Ames, Iowa

Permit and Receipt No. _____
Date of Permit _____
Remit \$10 fee payable to Iowa Highway
Commission

ANNUAL

Application and Permit and Receipt
APPLICANT MUST FULLY COMPLETE THIS FORM
(Please Print or Use Typewriter)

Name Address

- 1. Applicant _____
- 2. Owner of Vehicle(s) _____
- 3. Owner of Load _____
- 4. Is this move for hire? Yes___ No___ If yes, Ia. C.C. or I.C.C. No.____ Towing
Vehicle _____ Towed Vehicle _____

- 5. General _____
Truck___ Semitrailer___
Truck Tractor___ Other_____
- 6. Describe typical load: Check the
appropriate
Construction Equip.____ Construc-
tion materials___ for heavy equip.
(SME) including towed equip.
Yes___ No___

- 8. Make _____
- 9. Serial No. _____
- 10. License No. _____
and State _____
- 11. License Class _____
(tonnage)
- 12. Empty Weight _____
- 13. Total Gross _____
Weight _____
- 14. Axle Spacing 1st___ 2nd___ 3rd___ 4th___ 5th___ 6th___
- 15. Maximum gross weight on any single axle 18,540 pounds which includes
tolerance.
Maximum gross weight of vehicle and load 73,280 pounds which includes
tolerance.
Maximum gross weight of any 2-axle assembly 34,000 pounds, of any 3-axle
assembly 42,000 pounds.

- 7. Over-all dimensions of vehicle and
load
Length ___Ft. ___In.
Width ___Ft. ___In.
Height ___Ft. ___In.
Front-End Projection ___Ft. ___In.

NATURE OF MOVE — Answer all the following questions:

- 16. Is it possible to make vehicle or load legal (width 8', height 13'6", length
55', weight 73,280 pounds) by adjusting manner or transport? Yes___ No___
If no, explain _____
- 17. Does applicant have public liability insurance (\$100/200/20) on file with
Traffic Weight Office, Ames, Iowa? Yes___ No___ IF NO, SUBMIT
CERTIFICATE OF INSURANCE.

18. Does vehicle meet the safety standards as prescribed in sections 321.381 through 321.451 of the Iowa Code? Yes____ No____

19. I _____ do solemnly swear that I have read the entire permit and application and have fully completed all statements and provided all data called for herein truthfully and correctly and I agree to abide by all General Provisions set forth herein including those found on the reverse side hereof.

Signature of Applicant

(Notary Seal)

20. Subscribed and sworn to before me this ____ day of _____, 19____
_____ in and for _____ County, State of _____
Notary Public

NOTE — DO NOT WRITE BELOW FOR OFFICIAL USE ONLY

21. THIS IS YOUR AUTHORITY TO MOVE _____
Of __length, __width, __height, __Front-End Projection, __Total Gross Weight.
For ____ miles. Speed shall not exceed ____ MPH. Permit expires at sunset _____, 19____.

22. Movement shall be made in compliance with 1 through 21 above and with all General Provisions of this permit. This permit is voidable for falsification of the application or for any violation of a term, condition, provision, or limitation of the permit.

Director, Traffic Weight Operations

BY _____
Permit Officer

RECEIVED FROM _____ CASHIER'S RECEIPT NO. _____
____ DOLLARS FOR PERMIT DATE _____, 19____

GENERAL PROVISIONS

State of Iowa and Highway Commission assume no responsibility for property of permit holder by issuance of this permit.

The permit holder shall comply with terms and conditions of the permit, take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners, and shall hold the state of Iowa and Highway Commission harmless of any damages that may be sustained on account of such move.

The permit holder shall hold the state and the Highway Commission harmless for any damages that may result to primary highways by movement made hereunder and shall reimburse state or Highway Commission for any expenditure which state or Highway Commission may have to make on account of such move.

Nothing in the permit shall be construed as waiving any load limitations which have been or which might be established on any bridge or any road posted with embargo signs nor the wheel base, maximum load limitations of subrule 2.1(16) of the Rules and Regulations for the issuance of permits.

Permit and any supplement or additions thereto shall be void in case the weights or dimensions of the vehicle and load as operated exceed the weights or dimensions as provided in the permit and supplements or additions thereto.

No vehicle or combination of vehicles of illegal dimensions, with or without load, shall be moved on Iowa highways without permit.

Permit is valid only for the transporting of a single article per move exceeding statutory size or weight limits or both, and which cannot reasonably be divided, or reduced to statutory size and weight limits, etc., except in the transportation of property consisting of more than one article exceeding the statutory size limits when the statutory weight limits are not exceeded and the additional articles transported do not exceed statutory size in any way in which such limits would not be exceeded by the single article.

Permit shall be carried in the cab of the vehicle for which this permit is issued and shall be available for inspection at all times. Vehicles for which the permit is issued shall be open to inspection by any peace officer or any authorized agent of any permit granting authority.

Movements under permit shall be made only during daylight hours unless it is established by the issuing authority that movement can be better accomplished at another period of time because of traffic volume conditions. Except as provided in section 321.457 of the Code, no movement of overdimension vehicles shall be permitted on Saturdays, Sundays or the day of, before or after the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Veterans Day or days of special events when abnormally high traffic volumes can be expected.

The permit vehicle shall not exceed, consistent with the safety of the traveling public, that speed specified by this permit.

The permit holder must take steps necessary to avoid and reduce traffic congestion by maintaining proper traffic interval, temporarily relinquishing the travel way in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the permit vehicle. This shall be done as soon as conveniently possible as soon as a *group of two or more vehicles* have accumulated in back of permit vehicle.

The permit holder must notify the Director of Traffic Weight Operations, Highway Commission, Ames, Iowa, in writing of the fact of the occurrence of any reportable motor vehicle accident involving any permit vehicle.

Any vehicle and load exceeding 12'5" in width or exceeding 70' in length shall be limited to maximum trip distances of fifty miles. All vehicles and loads exceeding legal dimensions must display warning devices as stipulated in subrule 2.3(3) of the Rules and Regulations for the issuance of permit.

Approved escort shall be provided for the movement of vehicles and loads which exceed the roadway lane width or eighty feet in length when operated under annual permit.

ATTACHMENT TO RULES

The following amendment is proposed by the Attorney General to the Rules and Regulations as originally submitted.

The enacting clause is amended by adding the words "concerning the operation and movement of vehicles of excess size and weight" after the words "pages 300-307".

ATTACHMENT TO RULES

The following amendment is proposed by the Departmental Rules Review Committee to the Rules and Regulations as originally submitted.

Section 2.2(3) "b" of the Rules and Regulations is amended by adding the following sentence at the end thereof:

"The maximum distance shall not be extended by the fact that there is more than one issuing authority."

HIGHWAY COMMISSION

(continued)

Pursuant to authority of chapter 285 of the Acts of the 62nd General Assembly of the state of Iowa, the following numbered rule is adopted.

[Filed May 1, 1969]

**OPERATION AND MOVEMENT OF
VEHICLES AND LOADS OF EXCESS
SIZE AND WEIGHT**

2.1(15) Movements on the Interstate System (as defined in section 306.2(7) of the 1966 Code of Iowa).

a. Subject to the provisions of "b", "c" and "d" below, annual or single-trip permits will be issued for movements on the Interstate System provided the Interstate System is free from maintenance and construction work or other hazardous conditions on the specific permit route and abnormally high traffic volumes due to special events are not present on the specific permit route and where:

(1) An alternate primary route with a roadway width of twenty-four feet is not available, or

(2) The average daily traffic exceeds 3000 vehicles on the alternate primary route, or

(3) The travel distance is equal for both systems or is greater for the alternate primary route.

b. Annual permits may be issued for movements on the Interstate System not to exceed twenty-five miles except that the movement of road construction machinery, equipment or material and agricultural machinery, equipment and materials may be for a distance exceeding twenty-five miles if such machinery, equipment and materials are to be used within the state of Iowa or are manufac-

tured or assembled in the state of Iowa provided:

(1) A minimum speed of forty miles per hour can be maintained.

(2) The vehicle with load does not exceed eleven feet nine inches in width, thirteen feet six inches in height, seventy feet zero inches in over-all length and total gross weight of 73,280 pounds (18,000 pounds per axle according to the schedule in 2.1(16)).

c. Single-trip permits may be issued for movement, or a portion of a move, on the Interstate System where in the opinion of the director of traffic weight operations the move proposed on the Interstate System will be to the best interests of the safety of the traveling public provided:

(1) A minimum speed of forty miles per hour can be maintained.

(2) The vehicle with load does not exceed eleven feet nine inches in width, height limited to underpasses, power lines and other established height restrictions, seventy feet zero inches in over-all length and total gross weight of 73,280 pounds (18,000 pounds per axle according to the schedule in 2.1(16)).

(3) The vehicle with load does not exceed eighty feet zero inches in over-all length and the width does not exceed eight feet zero inches, the height does not exceed thirteen feet six inches and the total gross weight does not exceed 73,280 pounds (18,000 pounds per axle according to the schedule in 2.1(16)) in special or emergency situations and only at the discretion of the permit issuing authority. In such cases the provisions of 2.1(15) "a" (1), (2) and (3) may be waived.

d. Single-trip or annual permits may be issued for mobile homes to make a portion of a move on the Interstate System: (1) at either the point of entry or exit from this state and then only for such distance necessary to make connection with the nearest primary highway route, or (2) to by-pass urban areas over specified routes provided:

The vehicle with load does not exceed eleven feet nine inches in width, thirteen feet six inches in height, seventy feet zero inches in over-all length, and total gross weight of 73,280 pounds (18,000 pounds per axle according to the schedule in 2.1(16)).

e. Permits for movement on the Interstate System shall be issued by the traffic weight operations office, Ames, Iowa, or by the resident maintenance engineer's office provided the proposed Interstate System movement is approved by a telephone call to the traffic weight operations office, Ames, Iowa.

f. Section 2.1(15) of the rules and regulations shall be in force for a period

of one year after the effective date of such amendment as provided for in chapter 17A of the Code for the purpose of evaluating the safety of such movements on the Interstate System in co-operation with the department of public safety.

(The above paragraph "f" added by amendment. See attachment.)

[Effective May 1, 1969]

AMENDMENT TO RULES

The following amendment is proposed by the Departmental Rules Review Committee to the rule as originally submitted.

Amend subrule 2.1(15) by adding at the end thereof a new paragraph as follows:

"f. Section 2.1(15) of the rules and regulations shall be in force for a period of one year after the effective date of such amendment as provided for in chapter 17A of the Code for the purpose of evaluating the safety of such movements on the Interstate System in co-operation with the department of public safety."

LABOR BUREAU

Pursuant to authority of section 88A.11 of the Code, the following rules are adopted.

[Filed June 12, 1969]

EMPLOYMENT SAFETY RULES

TITLE I

INDUSTRIAL DIVISION

CHAPTER 3

VENTILATION CONTROL OF GRINDING, POLISHING AND BUFFING OF FERROUS AND NONFERROUS METALS

3.1(88A) T. I Scope.

3.1(1) These rules shall apply where grinding, polishing, buffing, scratch brushing, abrasive cut-off wheels, grinding or polishing straps or belts are used and the dust, dirt, fumes and gases generated thereby constitute a hazard to the health of the employees engaged in such operation. These rules apply to the grinding, polishing and buffing of ferrous and nonferrous metals only.

3.2(88A) T. I Definitions.

3.2(1) "Abrasive cutting-off wheels" shall mean organic-bonded wheels, the

thickness of which is not more than 1/48 of their diameter for those up to, and including, twenty inches in diameter, and not more than 1/60 of their diameter for those larger than twenty inches in diameter, used for a multitude of operations variously known as cutting, cutting-off, grooving, slotting, coping and jointing, and the like. The wheels may be "solid" consisting of organic-bonded abrasive material throughout, "steel centered" consisting of a steel disc with a rim of organic-bonded material molded around the periphery, or of the "inserted-tooth" type consisting of a steel disc with organic-bonded abrasive teeth or inserts mechanically secured around the periphery.

3.2(2) "Belts" shall mean all power-driven, flexible, coated bands used for grinding, polishing, or buffing purposes.

3.2(3) "Branch pipe" shall mean the part of an exhaust system piping that is connected directly to the hood or enclosure.

3.2(4) "Cradle" shall mean a movable fixture, upon which the part to be ground or polished is placed.

3.2(5) "*Disc wheels*" shall mean all power-driven rotatable discs faced with abrasive materials, artificial or natural, and used for grinding or polishing on the side of the assembled disc.

3.2(6) "*Entry loss*" is the loss in static pressure caused by air flowing into a duct or hood. It is usually expressed in inches of water gauge.

3.2(7) "*Exhaust system*" shall mean a system consisting of branch pipes connected to hoods or enclosures, one or more header pipes, an exhaust fan, means for separating solid contaminants from the air flowing in the system, and a discharge stack to outdoors, provided however, that where an exhaust system washes, scrubs or filters the exhausted air of dusts, vapors, gases or fumes such air may be discharged indoors provided it does not constitute a health hazard to the employees.

3.2(8) "*Grinding wheels*" shall mean all power-driven rotatable grinding or abrasive wheels, except disc wheels as defined in this standard, consisting of abrasive particles held together by artificial or natural bonds and used for peripheral grinding.

3.2(9) "*Header pipe*" or "*main pipe*" shall mean a pipe into which one or more branch pipes enter and which connects such branch pipes to the remainder of the exhaust system.

3.2(10) "*Hoods*" and "*enclosures*" shall mean the partial or complete enclosure around the wheel or disc through which air enters an exhaust system during operation.

3.2(11) "*Horizontal double-spindle disc grinder*" shall mean a grinding machine carrying two power-driven, rotatable, coaxial, horizontal spindles upon the inside ends of which are mounted abrasive disc wheels used for grinding two surfaces simultaneously.

3.2(12) "*Horizontal single-spindle disc grinder*" shall mean a grinding machine carrying an abrasive disc wheel upon one or both ends of a power-driven, rotatable single horizontal spindle.

3.2(13) "*Polishing and buffing wheels*" shall mean all power-driven rotatable wheels composed all or in part of textile fabrics, wood, felt, leather, paper, and may be coated with abrasives on the periphery of the wheel for purposes of polishing, buffing, and light grinding.

3.2(14) "*Portable grinder*" shall mean any power-driven rotatable grinding, polishing, or buffing wheel mounted in such manner that it may be manually manipulated.

3.2(15) "*Scratch brush wheels*" shall mean all power-driven rotatable wheels made from wire or bristles, and used for scratch cleaning and brushing purposes.

3.2(16) "*Swing frame grinder*" shall mean any power-driven rotatable grinding, polishing, or buffing wheel mounted in such a manner that the wheel with its supporting framework can be manipulated over stationary objects.

3.2(17) "*Velocity pressure*" or "VP" shall mean the kinetic pressure in the direction of flow necessary to cause a fluid at rest to flow at a given velocity. It is usually expressed in inches of water gauge.

3.2(18) "*Vertical spindle disc grinder*" shall mean a grinding machine having a vertical, rotatable power-driven spindle carrying a horizontal abrasive disc wheel.

3.3(88A) T. I Application.

3.3(1) Every establishment performing dry grinding, dry polishing, or buffing that constitutes a health hazard shall provide suitable hoods or enclosures that are connected to exhaust systems, except as provided in 3.4(88A), *Exceptions*. Such exhaust systems shall be operated continuously whenever such operations are carried on, and be capable of preventing contaminants from entering the breathing zone.

3.3(2) Where under unusual circumstances recognized control measures cannot be applied, personal protective equipment shall be used. Where respiratory protection devices are used, they shall comply with the Iowa employment safety commission rules, general division, Title IV, Chapter 1, "Head, Eye and Respiratory Protection".

3.4(88A) T. I Exceptions.

3.4(1) Equipment, operations, and processes shall be exempt from the provisions of this rule when the concentration of any contaminant generated by the grinding, polishing, or buffing of metals or other materials does not exceed the current threshold limit values as published by the Iowa Employment Safety Commission Rules, General Division, Title IV, Chapter 2, "Threshold Limit Values".

3.5(88A) T. I Hood and branch pipe requirements.

3.5(1) *Hoods* connected to exhaust systems shall be so designed, located, and placed that the dust or dirt particles shall fall or be projected into the hoods in the direction of the air flow. No wheels, discs, straps, or belts shall be operated in such manner and in such direction as to cause the dust and dirt particles to be thrown into the operator's breathing zone.

3.5(2) *Grinding wheels* on floor stands, pedestals, benches, and special-purpose grinding machines and abrasive cutting-off wheels shall have not less than the minimum exhaust volumes shown in Table 1 with a recommended minimum duct velocity of 4,500 feet per minute in the branch and 3,500 feet per minute in the main pipe. If the best practical hood is a poor enclosure (more than twenty-five percent of the wheel exposed), the exhaust volume shall be increased by fifty percent. The entry losses for all hoods except the vertical-spindle disc grinder hood, shall equal 0.65 velocity pressure for a straight takeoff and 0.15 velocity pressure for a tapered takeoff.

Table 1
Grinding and Abrasive Cutting-Off Wheels

Wheel Diameter Inches	Wheel Width Inches	Minimum Exhaust Volume (ft ³ /min)
To 9	1½	220
Over 9 to 16	2	390
Over 16 to 19	3	500
Over 19 to 24	4	610
Over 24 to 30	5	880
Over 30 to 36	6	1,200

For any wheel wider than wheel diameters shown in Table 1, increase the exhaust volume by the ratio of the new width to the width shown.

Example:

$$\text{If wheel width} = 4\frac{1}{2} \text{ in.,}$$

$$\text{then } 4.5 \times 610 = 686 \text{ (rounded to 690)}$$

3.5(3) *Scratch-brush wheels* and all buffing and polishing wheels mounted on floor stands, pedestals, benches, or

special-purpose machines shall have not less than the minimum exhaust volume shown in Table 2.

Table 2
Buffing and Polishing Wheels

Wheel Diameter Inches	Wheel Width Inches	Minimum Exhaust Volume (ft ³ /min)
To 9	2	300
Over 9 to 16	3	500
Over 16 to 19	4	610
Over 19 to 24	5	740
Over 24 to 30	6	1,040
Over 30 to 36	6	1,200

3.5(4) *Grinding wheels or discs for horizontal single-spindle disc grinders* shall be hooded to collect the dust or dirt generated by the grinding operation and the hoods shall be connected to branch pipes having exhaust volumes as shown in Table 3.

Table 3
Horizontal Single-Spindle Disc Grinder

Disc Diameter Inches	Exhaust Volume (ft ³ /min)
Up to 12	220
Over 12 to 19	390
Over 19 to 30	610
Over 30 to 36	880

3.5(5) *Grinding wheels or discs for horizontal double-spindle disc grinders* shall have a hood enclosing the grinding chamber and the hood shall be connected to one or more branch pipes having exhaust volumes as shown in Table 4.

Table 4
Horizontal Double-Spindle Disc Grinder

Disc Diameter Inches	Exhaust Volume (ft ³ /min)
Up to 19	610
Over 19 to 25	880
Over 25 to 30	1,200
Over 30 to 53	1,770
Over 53 to 72	6,280

3.5(6) Grinding wheels or discs for vertical single-spindle disc grinders shall be encircled with hoods to remove the dust generated in the operation. The hoods shall be connected to one or more branch pipes having exhaust volumes as shown in Table 5.

Table 5

Vertical Spindle Disc Grinder

Disc Diameter Inches	$\frac{1}{2}$ or More of Disc Covered		Disc Not Covered	
	No.* Exhaust (ft ³ /min)	No.* Exhaust (ft ³ /min)	No.* Exhaust (ft ³ /min)	No.* Exhaust (ft ³ /min)
Up to 20	1	500	2	780
Over 20 to 30	2	780	2	1,480
Over 30 to 53	2	1,770	4	3,530
Over 53 to 72	2	3,140	5	6,010

*Number of exhaust outlets around periphery of hood, or equal distribution provided by other means.

3.5(7) Grinding and polishing belts shall be provided with hoods to remove dust and dirt generated in the operations and the hoods shall be connected to branch pipes having exhaust volumes as shown in Table 6.

Table 6

Grinding and Polishing Belts

Belt Width Inches	Exhaust Volume (ft ³ /min)
Up to 3	220
Over 3 to 5	300
Over 5 to 7	390
Over 7 to 9	500
Over 9 to 11	610
Over 11 to 13	740

3.5(8) Cradles and swing-frame grinders. Where cradles are used for handling the parts to be ground, polished, or buffed, requiring large partial enclosures to house the complete operation, a minimum average air velocity of 150 feet per minute shall be maintained over the entire opening of the enclosure. Swing-frame grinders shall also be exhausted in the same manner as provided for cradles.

3.6(88A) T. I Design of exhaust. Exhaust systems for grinding, polishing, and buffing operations shall be designed to effectively remove such dusts, vapors, gases and fumes and such exhaust systems shall be operated continuously during any such operation and shall be provided with dust arresters, collectors or precipitators to collect the dust before the air or gases are discharged therefrom.

3.7(88A) T. I Testing of exhaust systems. Exhaust systems for grinding, polishing, and buffing operations shall be tested regularly to ascertain their effective removal of contaminants.

3.8(88A) T. I Collection of dust and dirt. All exhaust systems shall be provided with suitable dust collectors.

3.9(88A) T. I Hood and enclosure design.

3.9(1) Grinding, polishing, buffing and abrasive cutting-off wheel hoods. It is the function of these hoods to protect the operator from the hazards of bursting wheels as well as to provide a means for the removal of dust and dirt generated.

Due to the variety of work and types of grinding machines employed, it is necessary to develop hoods adaptable to the particular machine in question, and such hoods shall be located as close as possible to the operation. Hoods on horizontal grinders using inorganic-bonded abrasive wheels (excluding centerless grinders) shall cover at least seventy-five percent of the grinding wheel unless approval is granted by the labor commissioner after it has been proven to him that it is impossible to operate the grinding wheel efficiently with a seventy-five percent coverage of such wheel subject to further review by the employment safety commission.

The adjustable tongue where applicable shall be kept in working order and shall be adjusted within $\frac{1}{4}$ inch of the wheel periphery at all times.

3.9(2) In all cases recognized engineering principles shall be applied in the design and construction of hoods and exhaust systems so they effectively remove the dust, dirt, fumes and gases from grinding, polishing, buffing, scratch buffing, abrasive cut-off, grinding or polishing strap that would constitute a health hazard to employees engaged in such operations.

This rule is intended to implement chapter 88A of the Code of Iowa (as provided above).

[Effective June 12, 1969]

Editor's Note. An advisory opinion to

these rules was given by the attorney general April 24, 1969. The opinion found objection and approval was withheld. It was not concurred in by the commission nor the departmental rules review committee.

MERIT EMPLOYMENT DEPARTMENT

Pursuant to authority of chapter 95, Acts of the 62nd General Assembly, the following rules are adopted.

[Filed April 1, 1969]

CHAPTER 1

DEFINITIONS

(Chapter 1 is reserved for a listing of terms used in the merit employment department rules. This list will be completed when the complete set of rules is developed and the need for definitions determined.) [See page]

CHAPTER 2

STATE SERVICE AND ITS DIVISIONS

2.1(62GA, ch.95) Exempt service. The exempt service shall include those positions as determined by the commission in accordance with the provisions of section 95.3, 62GA. Positions in the exempt service shall be listed in Appendix I of these rules and made a part hereof. The director may, upon request, assist and advise appointing authorities concerning salary rates appropriate for positions in the exempt service.

2.2(62GA, ch.95) Classified service. The classified service shall consist of all positions now existing or hereafter created and not included in the exempt service. There shall be in the classified service three divisions, to be known as Division "A", Division "B", and Division "C".

2.2(1) Division "A" shall include only those positions and employments for which is practicable to determine the merit and fitness of applicants by assembled examination.

2.2(2) Division "B" shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character and for which an unassembled examination may be used.

2.2(3) Division "C" shall include positions involving unskilled, semiskilled, domestic, attendant or custodial work.

The director shall assign each class in the position classification plan to Division "A", "B", or "C".

2.3(62GA, ch.95) Nonstate employment. Specialized personal services rendered by an individual to the state under contract as an independent contractor and as a part of, or incidental to, the individual's regular profession or occupation and not as a state employee shall be designated as nonstate employment and shall not be subject to the provisions of these rules. The appointing authority shall report each such employment to the director in such form and such detail as the director may require. If, after such investigation as he deems necessary, the director determines that the proposed employment is of such a nature as to constitute state employment, he shall so notify the appointing authority and the state comptroller and that notice shall constitute advice that such employment is not in conformance with the provisions of the merit employment Act.

In evaluating contracts for personal services, the following guidelines shall be used:

2.3(1) Whether the contract is with a recognized existing organization rather than with an individual, and the organization has the facilities and expertise to fulfill the contract. However, a contract with an individual may be appropriate if he is an independent "entrepreneur".

2.3(2) Whether the contract clearly indicates the "independent contractor" concept with the agency having no direct administrative or supervisory responsibility of the day-to-day carrying out of the contract. So long as the agency has the right to control both the method and result of the services, the individuals involved cannot be considered as independent contractors.

2.3(3) Whether the contract includes a terminal date with the end product (re-

port, service to be accomplished, etc.) clearly set forth.

2.3(4) Whether the agency is withholding various taxes from the individual's salary. If the individual is on the agency payroll and income taxes are withheld, it is obvious that the agency is the employer and the individual is not working for or as an independent contractor.

CHAPTER 3

CLASSIFICATION PLAN

3.1(62GA, ch.95) **Purpose of the classification plan.** The classification plan provides a systematic arrangement and inventory of the many and varied kinds of work performed in the positions in the classified service. The plan groups the various positions into understandable classes indicative of the range of duties, responsibilities and level of work performed.

The position classification plan shall be used:

3.1(1) To provide equal pay for equal work.

3.1(2) To establish educational and work experience qualifications, standards for recruiting, testing and other selection purposes.

3.1(3) To provide appointing authorities with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individual and groups of positions.

3.1(4) To assist appointing authorities in determining personal service costs and projections for annual budget requirements.

3.1(5) To provide a basis for developing standards of work performance.

3.1(6) To establish lines of promotional opportunity.

3.1(7) To indicate employee training needs and development potentials.

3.1(8) To provide uniform and meaningful titles for all positions.

3.1(9) To provide the fundamental basis of the pay plan and other aspects of the personnel program.

3.2(62GA, ch.95) **Preparation and adoption of the classification plan.** The classi-

fication plan shall be so developed and maintained that all positions substantially similar with respect to the kind, difficulty and responsibility of work are included in the same class, that the same qualifications may be used for filling all positions within a class, and that the same schedule of pay may be applied with equity to all positions in a class in the same geographical area.

The classification plan shall be prepared by the director with such assistance as necessary and shall be presented to the commission for approval.

3.3(62GA, ch.95) **Amendment of the classification plan.** Whenever any change in organization, creation of a new position or change in duties or responsibilities of an individual position makes the revision of the classification plan necessary, the director shall prepare the necessary revisions and submit them to the commission for approval.

Whenever, in the opinion of the director, there is urgent necessity for establishing a new class in the classification plan in order to permit the announcement and holding of an examination or the filling of a position without delay, he may anticipate formal action by the commission by adding such new class tentatively to the classification plan. He may then proceed to announce and hold an examination for the class or authorize appointment. Such action shall be subject to commission ratification by the necessary amendment to the schedule of classes at its next meeting.

3.4(62GA, ch.95) **Content of the classification plan.** The classification plan shall consist of:

3.4(1) *Position descriptions* reflecting the duties and responsibilities assigned to the various positions in the classified service.

3.4(2) *Class specifications* defining the type of work and level of responsibility normally assigned positions allocated to each class and defining the qualifications of training and experience required.

3.4(3) *A schedule of classes* of positions utilized in the classified service together with a schedule of classes of positions utilized in each separate agency.

3.5(62GA, ch.95) **Position descriptions.** Position descriptions shall be supplied by the appointing authority for each position under his jurisdiction on forms pre-

scribed by the director. The forms shall be designed to elicit an accurate description of the duties and responsibilities assigned to positions and other pertinent information concerning the position.

In contrast to the class specification which contains broad, general definitions of types of work and levels of responsibility as guidelines for allocating position to a given class, the position description shall show specific duties and responsibilities assigned to a position.

3.5(1) Use of position description by agencies. The position description is primarily a tool of management since it is the principal source of factual information as to assigned duties and responsibilities for individual positions. Some of its uses are:

- a. For orientating and training new employees appointed to the position.
- b. For employee counselling and development in the position.
- c. As a basis for determining need for additional training.
- d. As a basis for performance evaluation.
- e. To identify overlaps in duty assignments and delineate lines of authority.

3.5(2) Use of position descriptions by the merit employment department. The position description will be the primary basis for allocating the position to the proper class in the classification plan. In addition to serving as a record of the official assignment of duties and responsibilities of the position, it shall be used in the comparison of positions to insure uniformity of classifications and in the establishment and revision of classes. It may also be used in other studies such as manpower utilization, work flow, and job enrichment.

3.5(3) Position description to be maintained on a current basis. Position descriptions shall be maintained on a current basis as provided in rule *.. of these rules. A copy of each revised position description shall be forwarded to the director.

3.6(62GA, ch.95) Class specifications. The director shall provide, and may amend in accordance with rule 3.3 of

*To be filled in when rule number is determined.

these rules, written specifications for each class in the classification plan. The class specification shall include the distinct characteristics of the duties and responsibilities normally assigned to positions for which the class is established. While the exact assignments, or combination of assignments, may differ among individual positions, the type of duties and level of responsibility shall be sufficiently comparable that the same title, qualifications, and range of pay can be applied to all positions allocated to the class.

The class specification shall consist of four parts:

3.6(1) Class title. The class title shall be indicative of the work of the class and shall be the official title of every position allocated to the class for all purposes having to do with the position, and shall be used on all personnel, accounting, budget, and other official records and reports relating to the position, but an abbreviation or code symbol approved by the director may be used in lieu of the title to designate the class of a position in any such connection. Any other title requested by the appointing authority to be used to identify a position for purposes of internal administration may be approved by the director provided such title does not conflict with titles in the classification plan.

No person shall be appointed to a position in the classified service under a title not contained in the classification plan.

3.6(2) Distinguishing characteristics. This rule shall include statements as to the kind of work and level of responsibility the class encompasses and statements which distinguish it from other classes of work and levels of responsibility. This section of the class specification shall be the primary basis for determining whether or not a position can be properly allocated to the class.

3.6(3) Examples of work. This section shall include statements which illustrate specific duties and responsibilities performed in positions which are allocated to the class. The statements included in this rule are examples only and are not inclusive or exclusive of duties which may be required for all positions allocated to the class.

3.6(4) Education, experience and special requirements. This rule shall include:

a. Minimum education and experience requirements. This subrule shall include statements of the minimum training and experience normally needed to satisfactorily perform the duties of a position allocated to the class.

b. Desirable education and experience requirements. This subrule shall include statements of desirable training and experience, if any. Desirable qualifications must be such as to directly contribute to:

(1) A shorter period of orientation and training upon appointment to the position.

(2) More proficient performance at the time of appointment over applicants with minimum qualifications.

(3) Greater potential for career development to meet program needs of the agency.

c. Necessary special requirements. This rule shall be used for those classes where requirements limit practice of a profession or occupation to persons who possess a specific license or certificate issued by an agency of licensure. It shall also be used to enumerate especially critical physical and other practical requirements for specific classes. This section lists specific prerequisites which must be met by applicants before otherwise qualifying for positions in the class.

When the nature of the work of a class is such that age limits are necessary, the director, after consultation with the appointing authority, may recommend to the commission the age limits, which limits, if approved by the commission, shall be stated in the examination announcement.

3.7(62GA, ch.95) Official copy of class specifications. The director shall maintain a master set of all approved class specifications. Such specifications shall constitute the official class specifications in the classification plan. The copies of the specification for each class shall indicate the date of adoption or the last revision of the specification for such class.

The director shall provide each appointing authority with a set of the class specifications of those classes to which positions in his department are allocated and such other classes as he sees fit. Such class specifications in the office of the director or the offices of the appointing authorities shall be open for inspection

by employees or the public under reasonable conditions during business hours.

3.8(62GA, ch.95) Interpretation of class specifications. The specifications of the classes of positions in the classification plan and their various parts are hereby declared to have the following force and effect:

3.8(1) The class specifications are descriptive and explanatory and are not restrictive. They are designed to indicate the kinds of positions that are allocated to the several classes, as determined by their duties and responsibilities, and shall not be construed as declaring what the duties or responsibilities of any position shall be. Nor shall they be construed as limiting or modifying the power of the appointing authority to take from, add to, eliminate entirely, or otherwise change the duties and responsibilities of a position, or to assign duties or delegate responsibilities to employees, or to direct and control their work. The use of a particular expression or illustration as to duties or responsibilities shall not be interpreted to exclude others not mentioned which are of a similar kind or quality.

3.8(2) In determining the class to which any position should be allocated, the specification for each class shall be considered as a whole and be construed as a general description of the kinds of work characteristics which shall be allocated to the class.

3.8(3) Although not expressed, qualifications commonly required of all incumbents of positions such as acceptable physical condition, freedom from disabling diseases, honesty, sobriety and industry, shall be considered as qualifications for entrance into each class.

3.9(62GA, ch.95) Allocation of positions.

3.9(1) New positions. When a new position, approved by the executive council, is to be established, the appointing authority shall notify the director in writing supplying a description of the duties and responsibilities of the position and the director shall allocate the position to its appropriate class.

3.9(2) Notice of allocation and effective date. After the director makes an allocation, he shall notify the appointing authority concerned of that allocation in writing. The allocation shall become effective immediately unless the appointing authority files a request for reconsideration.

tion thereof in accordance with rule 3.11 of the rules.

3.10(62GA, ch.95) Reallocation of positions.

3.10(1) Whenever, because of changes in the organizational structure of an agency, in the duties of a position, or for some other reason, a position appears to be improperly allocated, the director shall, upon his own initiative, or upon the written request of a permanent employee or an appointing authority, investigate the duties of the affected position. Following that investigation he may reallocate it to an appropriate class. In making a request for the review of a position, the permanent employee or the appointing authority shall set forth the changes that have occurred in the particular position since the last review or other factors which in his opinion warrant reallocation of the position. If the director makes a reallocation, he shall notify the appointing authority and the employee affected of his action in writing. The reallocation shall become effective on the first day of the pay period following the date of the director's notice of the action, unless a request for reconsideration is filed by the permanent employee or the appointing authority affected in accordance with rule 3.11 of these rules.

3.10(2) when a position is reallocated to a different class, the incumbent shall be deemed eligible to continue in the position only if he is eligible for original appointment, promotion, transfer, or demotion, to a position of the new class while he was serving in the position as it was previously allocated. If he is ineligible to continue in such position, he may be transferred, promoted, or demoted, by appropriate action in accordance with such provision of these rules as the appointing authority may deem to be applicable. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted, or demoted, the provisions of these rules regarding separations shall apply.

3.11(62GA, ch.95) Request for review of allocation or reallocation. An appointing authority affected by an allocation or a reallocation, or a permanent employee affected by a reallocation may, within fourteen calendar days of the date of the director's notice, file a request, in writing, for reconsideration, together with written evidence by way of affidavits, statements,

or exhibits which are desired to be considered by the director. The director shall act on the request within forty calendar days and notify the parties concerned of his final action. An allocation shall become effective immediately unless the appointing authority files an appeal to the director's action in accordance with rule 3.12 of these rules. A reallocation shall become effective on the first day of the pay period following the date of notice of the director's final action unless the permanent employee or the appointing authority files an appeal of the director's action in accordance with rule 3.12 of these rules.

3.12(62GA, ch.95) Appeal of allocation or reallocation. An appointing authority affected by an allocation or a reallocation, or a permanent employee affected by a reallocation may, within fourteen days of the date of the notice of the director's final action on a request for reconsideration, file a request for review of the director's final action by a classification committee appointed by the commission. The request shall be filed in writing with the director, as secretary to the commission, and shall be accompanied by written evidence by way of affidavits, statements or exhibits which are desired to be considered by the classification committee.

The classification committee shall make such investigation as it deems necessary to determine the proper allocation of the position and shall make its report to the director in writing. The findings of the classification committee shall be binding on all parties concerned.

3.13(62GA, ch.95) Assignment of lead-worker duties. When an employee is assigned lead-worker responsibilities over employees in the same class or a class having the same entrance salary, the appointing authority may request the director to approve the position as a "Lead-worker Position".

3.13(1) The designation of a lead-worker shall normally be based on one employee in a group performing the same duties as other employees in the class, but having added duties and responsibilities of a limited supervisory nature, such as distribution of work assignment, maintaining a balanced workload among the group and keeping record of work, production, or attendance.

3.13(2) The responsibilities of such positions shall be such that the realloca-

tion of the position to a supervisory class in a higher pay range is not justified.

3.14(62GA, ch.95) Position numbering system. The director shall develop a position numbering system that will uniformly identify the agency and position location, the class code number and the position number of each established position in the classified service. Once a position is established, it shall not be transferred from one organizational unit to another or from one location to another without a determination of the director of the proper allocation of the position, based on the duties and responsibilities assigned to the position in the new location.

3.15(62GA, ch.95) Work out of class. No employee whose position has been allocated to its appropriate class shall be assigned or required to perform duties generally performed by persons holding positions in other classes, except in case of emergency or training, or for other limited periods of time. In no case shall the time period exceed one calendar month without specific authorization by the director and, provided, further, the clause in each class specification "performs related work as required" shall be liberally construed.

3.16(62GA, ch.95) Review of schedules of classes of positions. The director shall submit a schedule of classes of positions reflecting the types of employment in each agency to the governor annually. The governor shall review the schedules and submit them to the executive council for continuing approval.

CHAPTER 4

PAY PLAN

(Chapter 4 is reserved for the rules for establishing and administering the pay plan as provided in Acts of the 62nd General Assembly, chapter 95, section 9, subsection 2. Since this rule cannot be effective until the pay plan is adopted and implemented, it is not being submitted at this time to allow development of additional sections needed to provide for compensatory time off and overtime payment and other special pay problems.) [See page 4.7.]

CHAPTER 5

RECRUITMENT AND EXAMINATION

5.1(62GA, ch.95) Recruitment. The director shall, insofar as is practicable,

maintain eligible lists for the various classes of positions within the classified service. To accomplish this end, recruitment of qualified applicants must be a continuing program, conducted on a mutual and co-ordinated basis by the department and the agencies served by the department. In order to insure efficient co-ordination of recruitment efforts and processing of applications, all applications filed with agency offices shall be forwarded to the department no later than one work day following date of receipt.

5.1(1) Discrimination prohibited.

There shall be no discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations or because of race, national origin or any nonmerit factors.

5.1(2) Employment of handicapped.

The department shall assist in and encourage the employment of handicapped persons who are able and qualified to perform the duties of the class for which they have applied.

5.2(62GA, ch.95) Announcement of examinations.

5.2(1) Open competitive examinations. Examinations for entrance to the classified service shall be conducted on an open competitive basis. The director shall give public notice of all entrance examinations at least fifteen calendar days in advance of the closing date for receiving applications and shall make every reasonable effort to attract qualified persons to compete in the examinations.

Notice of open competitive examinations shall be published by posting [announcements on the department and other official bulletin boards, and in such other places as the director deems advisable, including at least one newspaper in general circulation in the state.]

5.2(2) Promotional examinations.

Promotional examination announcements shall be posted on the bulletin boards of the department and of agencies concerned and shall be sent to each appointing authority who has employees eligible to compete, but need not be published in any newspaper. Each such appointing authority shall take necessary steps to bring announcements to the attention of eligible employees in his agency.

5.2(3) Content of announcements. Examination announcements shall specify class title and salary range of the class for which the examination is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place and manner of making application; the closing date for receiving applications; and other pertinent information. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice.

5.3(62GA, ch.95) Eligibility to compete in examinations.

5.3(1) Open competitive examinations. Competitive examinations for original appointment to a class of position in the classified service shall be open to all applicants who meet the minimum training and experience requirements, and the necessary special requirements, if any, prescribed in the class specification for the class.

5.3(2) Promotional examinations. Promotional examinations shall be open to all permanent and probationary employees who meet the requirements and the necessary special requirements, if any, prescribed in the class specification for the class and who are serving in appropriate classes as determined by the director, in the agency or other organization unit for which the examination is being held; provided, however, that no probationary employee shall become eligible for certification from the promotional eligible list until he satisfactorily completes his probationary period in the lower class unless or until the names of fewer than three eligibles with permanent status in a lower class appear on the eligible list.

The incumbent permanent employee who is occupying a position at the time it is reallocated to a class for which a promotional list exists shall be eligible to take the same examination or equivalent thereof which was given to establish the existing list; provided that his name is not on that list, that he did not take and fail the examination given to establish the list, and that he was eligible to take that examination at the time it was given. If he attains a final rating above passing, his name shall be placed upon the original promotional list in the same manner

as if he had taken the original promotional examination.

5.4(62GA, ch.95) Application and admission.

5.4(1) Application form. All applications shall be made on forms prescribed by the director. The application form shall contain no question so formed as to elicit any information concerning political, racial or religious affiliations. However, this provision shall not prevent inquiry as to whether the applicant supports the Constitution of the United States of America and the state of Iowa.

Applications may require information concerning personal characteristics, education, experience, references, and other pertinent information. All applications shall be signed and the truth of the statements contained therein certified by such signature. The director may require such proof of age, education, experience and other claims as may be appropriate.

5.4(2) Accepting applications. The director may accept applications for examinations on a continuous basis for any or all classes of positions. Applications received for a class in the office of the director prior to close of business on the announced closing date for accepting applications for an examination shall be processed and qualified applicants shall be called for the examination. Applications received after the announced closing date for accepting applications for an examination shall be processed and qualified applicants shall be called for the next scheduled examination.

5.4(3) Admission to examinations.

a. Applicants who submit applications on or before the last date for filing, and whose applications show clearly that the applicants meet the requirements for admission to the examination as specified in the official announcement, shall be admitted to compete in the examination. When doubt exists as to whether an applicant meets the requirements for admission to an examination, the director may authorize conditional admission to the examination, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the satisfaction of the director. Each applicant, whose application has been accepted for any examination, shall be notified of the date, time, and place of the examination within a reasonable time to

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permit him to appear for examination. No person shall be permitted to take any examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application by the director. A person who has failed three times the examination for the same classification shall not be admitted to succeeding examinations for one year from the date of the last examination.

b. An applicant, currently enrolled in an educational institution, who does not meet the minimum education or training requirements may be admitted to examinations, provided he will meet the requirements within eight months. The name of an applicant, so admitted, who attains a qualifying rating shall have his name placed on the eligible list. His name may be certified subject to his completing the education or training requirements necessary for admission to the class, but he shall not be appointed until all requirements are met.

5.5(62GA, ch.95) Disqualification of applicants. The director may refuse to examine an applicant, or after examination, may disqualify such applicant or remove his name from the eligible list or refuse to certify any eligible on a list or may consult with the appointing authority in taking steps to remove such person already appointed if:

5.5(1) It is found that he does not meet any one of the qualification requirements established for the class of positions for which the examination is being conducted.

5.5(2) He is so disabled as to render him unfit for the performance of the duties of the class of positions.

5.5(3) He has made a false statement of material fact in his application.

5.5(4) He has used or attempted to use political pressure or bribery to secure an advantage in the examination.

5.5(5) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled.

5.5(6) He has failed to submit his application correctly or within the prescribed time limits.

5.5(7) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant.

5.5(8) He has previously been dismissed from a position in the state service or private industry for cause or has resigned while charges for dismissal for cause were pending.

5.5(9) He has reached, or will within one year of the date of the examination reach, retirement age as prescribed by law.

5.5(10) He has been convicted of a felony or an indictable misdemeanor or he has a record of conduct which is unbecoming a state employee.

5.5(11) He is addicted to the use of narcotics and other self-induced stimulants which are illegally obtained and utilized.

5.5(12) He is known to use intoxicating beverages to excess.

A disqualified applicant or eligible shall promptly be notified in writing of such action at his last known address. A disqualified applicant or eligible may request review of the reason for his disqualification. Such request shall be in writing and upon receipt the director shall give full consideration to the request, and notify the applicant or eligible in writing of the action taken thereon.

5.6(62GA, ch.95) Postponement or cancellation of examinations. In the event a sufficient number of qualified applicants have not made application for any examination, the director may postpone the last filing date and the date of the examination and shall, in such cases, give written notice to the applicants and department heads concerned.

5.7(62GA, ch.95) Character of examinations. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications or attributes which in the judgment of the director enter into the determination of the relative fitness of applicants.

5.7(1) Assembled examinations. Assembled examinations shall be conducted for those classes for which written tests are practical. Such examinations may include one or more of the following in addition to the written tests: Skill demonstration tests, physical tests, oral interviews, and evaluations of training and experience.

Where official certification, registration or licensing is accepted in lieu of basic skills testing, other factors which enter into the determination of the relative fitness of applicants may be included in the examination.

5.7(2) *Unassembled examinations.* For those classes of a craft nature or where peculiar and exceptional qualifications of a scientific or professional nature are required and competition through an assembled examination is impracticable, an unassembled examination may be held. Such examinations shall consist of an evaluation of a statement of training and experience and such other materials as the applicants may be required to submit as evidence of fitness for a position, and may or may not include oral interviews for evaluation of personal and technical qualifications and evaluations of other factors which enter into the determination of the relative fitness of applicants.

5.7(3) *Types of examinations.* Examinations shall be announced as one or a combination of the following:

a. Open competitive. Open competitive examinations shall be open to all persons meeting the minimum training and experience and other requirements announced for admission to the examination.

b. Promotional. Promotional examinations shall be open only to employees in the classified service meeting the minimum education and experience and other requirements stipulated in the specification for the class concerned.

c. Open continuous examinations. When it is necessary to meet continued requirements for filling positions and a sufficient number of applicants for a class is unavailable, applicants for any examination may be tested continuously in such manner and at such times and places as the director may provide. The closing date for any open continuous examination may be set at any time by the director, but notice of the action shall be posted at least fifteen days prior to the effective date of the action. Applicants making qualifying ratings shall be placed on eligible lists in order of their final ratings irrespective of the date on which the examination was taken.

5.7(4) *Simplified examination procedure.* For positions involving unskilled, semiskilled, domestic, attendant or cus-

tomial work, where the character or conditions of employment make it impracticable to supply the needs of the service through procedures prescribed above, the director may adopt or authorize the use of such other procedures as he determines to be appropriate which will assure the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms and techniques as the director may require.

5.8(62GA, ch.95) Development and administration of examinations.

5.8(1) *Examination development.* The director shall develop examinations for the various classes of positions in the classified service. The director may also contract for test services or purchase test material, and may use qualified technical consultants in developing tests. Final test material shall be known only to the director and to authorized employees of the department. Every precaution shall be exercised by all persons participating in the development of tests to maintain the highest integrity in the examination process.

a. Special test sections. The director may provide for special test sections or options within an examination for a single class when appropriate, to provide for special assignments to positions within a class. For a group of classes with common requirements, the director may provide one basic test with any appropriate additional options which may be necessary to test special requirements of any class in the group. These test sections may be used in combination with ratings on other portions of the test to provide the basis for selective certification of specially qualified persons.

b. Oral examinations. The director shall develop the forms, procedure and instructions for conducting oral examinations.

c. Ratings of training and experience. The director shall develop a procedure for the evaluation of the training and experience qualifications for the various classes of positions when applicable. The procedure shall give primary consideration to the quality, recency, and pertinency of training and experience and secondary consideration to the quantity.

5.8(2) *Examination administration.* Examinations shall be conducted in as

many places as are necessary for reasonable convenience of applicants within practicable limits for proper administration and control. The director shall appoint monitors necessary to conduct examinations, and provide them with instructions. The director shall arrange for use of public or other buildings suitable for the conduct of examinations.

a. Number to be admitted to examination. The director may announce, in advance of the establishment of an eligible list, the maximum number of applicants who shall have their names placed on the list, or who shall be permitted to compete in any of the separate parts of the examination. Under such procedure those considered as having passed or as being permitted to take the remainder of the examination shall be the set number of candidates rating highest in the examination or a part thereof.

b. Anonymity of applicants. The identity of persons taking written examinations shall not be disclosed to examiners except for open continuous examinations where conditions of anonymity are impractical. An identification number shall be used to identify examination papers of applicants when practicable. In such cases, if any examination paper bears the name of the applicant or identification other than an identification number, the applicant shall be disqualified. In case of disqualification, the applicant shall be promptly notified in writing.

c. Oral examination. When an oral examination constitutes all or a part of the total examination, the director shall appoint one or more oral examination boards as needed. An oral examination board shall consist of two or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel, one of whom shall be technically familiar with the character of work in the position for which the applicants will be examined. Any person holding political office or any officer or committee member of any political organization, or, any person actively engaged in the work of any political organization, shall not serve as a member of an oral examination board. If practicable, all applicants qualifying for the oral examination for the same class shall be rated by the same oral examination board. A member of an oral examination board

shall disclose each instance in which he knows the applicant personally.

d. Examination of the handicapped. Persons under such disability as not to make them ineligible by reason thereof, shall be examined in such manner as will fairly test their ability to perform the duties of the position, notwithstanding such disability.

e. Special examinations. Except in the case of a manifest error in the admission or examining of an applicant, no applicant shall be given a special examination unless the commission by formal recorded action finds that the applicant's failure to take or complete an examination was due to circumstances entirely beyond the control of the applicant. The commission's findings and recommendations shall be recorded in its minutes. No claim for a special examination shall be allowed unless it is filed in writing with the director within fifteen days after the date of the original examination. Any special examination shall be constructed on a pattern similar to, and as extensive as, the original examination. Any such special examination shall not invalidate any certification or appointment previously made.

f. Retaking examinations. Applicants may, at the discretion of the director, retake an examination, except that an applicant may not take the same form of a written test more than once in any six-month period. Procedures adopted for retesting must be administered uniformly to all applicants. In all cases, the most recent passing score will be used to determine the candidate's standing on the eligible list. Any applicant who fails the typing or shorthand performance part of any examination may repeat that part of the examination, if scheduled, after the lapse of seven calendar days provided the performance test is scheduled. If the applicant fails to pass the performance portion of the examination the second time, he shall be prohibited thereafter from repeating that part of the examination in less than one-month intervals.

g. Removing examination material from premises. Any applicant or unauthorized employee of the state removing examination materials from the premises at which examinations are being administered or stored, in any manner whatsoever, shall be subject to prosecution under section 95.20 of the Merit Employment Act.

5.9(62GA, ch.95) Rating examinations. The director shall utilize appropriate scientific techniques and procedures in rating the results of examinations and in determining the final scores of the applicant. In determining the system for rating results of the examinations, the director shall give due regard to the number of applicants and to the number of vacancies which may reasonably be expected to occur in the life of the eligible list. All applicants for the same class of positions shall be accorded uniform and equal treatment in all phases of the examination rating process. Ratings shall be based on a scale of one hundred.

5.9(1) Setting minimum ratings. In all examinations the minimum ratings by which eligibility may be achieved shall be set by the director. Such minimum ratings may also apply to the rating on any parts of the tests and applicants may be required to obtain minimum ratings on separate parts in order to receive qualifying ratings or to be rated on the remaining parts of the tests.

5.9(2) Computing final ratings. The final earned rating of each applicant shall be determined by computing the earned ratings on each part of the examination in accordance with the weights established for each part of the examination. All applicants may be required to obtain at least a minimum rating in each or any part of the examination in order to receive a final qualifying rating or to be allowed to participate in the remaining parts of the examination.

5.9(3) Rating for lower class. The results of examination of applicants who fail to qualify as eligibles for the class for which the examinations were taken, may, with the approval of the director, be rated with reference to their eligibility for a lower class for which an examination is in process, if the applicants have signified their willingness to accept appointments to positions in such lower class. Eligibles for a given class may be certified to a lower position in the same class if they signify their willingness to accept an appointment to a position in the lower class.

5.9(4) Preference for veterans on entrance examinations. Veterans preference as provided by law shall be added to qualifying ratings on open competitive examinations. Proof of eligibility for preference shall be provided by the veteran in the form of a discharge paper, offi-

cial order of separation from active duty, or a certified or photostatic copy, or other satisfactory evidence of honorable service. In addition, disabled veterans shall submit proof of current disability certified by the United States Veterans Administration.

5.9(5) Verifying information. The director may verify statements contained in an application and secure further information concerning the applicant's character and fitness. If, after a list is established, information is obtained which materially affects the rating of experience, training, or fitness of the applicant, the director shall make a new rating of the applicant's examination and make necessary adjustments in eligible lists. The director shall promptly notify the applicant of any change made in his standing and the reasons therefor.

5.9(6) Adjustment of errors. A manifest error in the rating of an examination, if called to the attention of the director within one month after receipt by the applicant of the notice of examination results, shall be corrected by the director provided, however, that such correction shall not invalidate any certification and appointment previously made.

5.10(62GA, ch.95) Order of names on eligible lists. Names of eligibles shall be placed on eligible lists in the order of their final earned ratings, starting with the highest, including any veterans preference credits to which they may be entitled. Where ties exist, names shall be listed in order of ratings earned in that part of the test that has been given the greatest weight; provided that in open continuous tests, where such procedure is impracticable, names shall be listed in order of date of examination. Ties on open competitive lists which are not broken by these procedures shall be resolved by assigning the higher rating to the candidate whose application was received first. Ties on promotion lists not broken by above procedures shall be resolved by assigning the higher rating to the eligible with the greater length of unbroken total state service.

5.11(62GA, ch.95) Notice of examination results. Each applicant shall be notified by mail of the results of the examinations as soon as the rating of the examination has been completed and the eligible list established.

5.12(62GA, ch.95) Review of ratings. Any applicant may request the director

to review the rating of his examination, provided such request is filed within fifteen days of the date the notice of examination results was mailed. Review of examination ratings shall be limited to the applicant and the appointing authority to whom the eligible has been certified for appointment. Such review shall be provided only during regular business hours in the offices of the department.

CHAPTER 6

ELIGIBLE LISTS

6.1(62GA, ch.95) Responsibility for maintenance of eligible lists. It shall be the duty of the appointing authorities to notify the director as far in advance as possible of vacancies which may occur in the agencies. The director shall be responsible for the establishment and maintenance of appropriate eligible lists for the various classes of positions and for the determination of the adequacy of existing eligible lists.

6.2(62GA, ch.95) Types of eligible lists. The following types of eligible lists shall be used, as needed, to meet the needs of the classified service.

6.2(1) Preferred employment list. The names of permanent employees separated from the service in good standing by layoff, or demotion in lieu of layoff, shall be placed on the preferred employment lists established for the agency or the organizational unit thereof enforcing the layoff. Total service credit in the class from which employees were laid off, as determined under the provisions of rule 11.1(3) "e" of these rules, shall be used to place names on the preferred employment list. Names of such laid-off employees shall also be placed on the state-wide reinstatement list. The name of a permanent employee, who has been dismissed for reasons found to be insufficient by the commission after hearing the appeal, may be placed on the preferred employment list at the discretion of the commission.

6.2(2) Reinstatement list. The names of permanent and probationary employees laid off under the provisions of rule 11.1(3) of these rules shall be placed upon agency and state-wide reinstatement lists. The names of permanent employees separated in good standing for reasons other than layoff may be placed on the reinstatement list upon written request and approval of the director. Total serv-

ice credit in the class from which the employees were separated, as determined under the provisions of rule 11.1(3) "e" of these rules shall be used to place names on the reinstatement list.

6.2(3) Promotional lists.

a. Agency promotional list. Agency promotional lists shall be established by class and agency and consist of the names of all employees of the agency or organizational unit who attain a qualifying rating on the promotional examination for the class.

b. State-wide promotional list. State-wide promotional lists shall be established by class and shall consist of the names of all employees who attain a qualifying rating on the promotional examination for the class.

c. Order of names on promotional lists. Names shall be placed on promotional lists in the order provided under rule 5.10 of these rules.

6.2(4) Open competitive list. Open competitive lists shall be established by class and shall consist of the names of all persons who attained a qualifying rating on the examination for the class. Names shall be placed on open competitive lists in the order provided under rule 5.10 of these rules.

6.3(62GA, ch.95) Duration of eligible lists and eligibility. Eligible lists shall be deemed to be in continuous existence. The names of eligibles shall be added to and removed from eligible lists on a continuous basis. Eligible lists may be terminated by the director, but the reason therefor shall be reported to the commission. Eligibility for appointment from eligible lists shall be as follows:

6.3(1) Preferred employment list. One year from the date of layoff or the establishment of the list, whichever is later.

6.3(2) Reinstatement list. For a period after the date of separation equal to the period of continuous employment, however, such period may not exceed two years.

6.3(3) Promotional and open competitive list. The director shall determine the period of eligibility for promotional and open competitive eligible lists. However, the period of eligibility shall not be less than one nor more than three years.

6.4(62GA, ch.95) Removal of names from eligible lists.

6.4(1) *Reasons for removal.* In addition to the causes stated in rule 5.5 of these rules, the director may remove names from eligible lists temporarily or permanently for any of the following reasons:

a. Certification and appointment of an applicant from the list to fill a permanent position.

b. Certification and appointment to fill a permanent position with the same or a higher pay range from a different list. However, any applicant whose name is so removed may have it restored by making written application to the director.

c. Failure to respond within five working days to a written inquiry, or within three working days to a telegraphic inquiry of the director or an appointing authority relative to availability for appointment.

d. Refusal of offer of an appointment without adequate explanation.

e. Failure to report for duty within a reasonable time specified by the appointing authority.

f. Expiration of the term of eligibility on the list.

g. Failure to maintain a record of his current address with the department as evidenced by the return of a properly addressed unclaimed letter, or other evidence.

h. Consideration for a permanent appointment from one list by three different appointing authorities or three times by one appointing authority and not appointed.

i. Making of a statement by the eligible that he is not willing to accept appointment.

j. He has failed to conceal his identity on an assembled examination.

k. Declination of an appointment under such conditions as the eligible had indicated previously he would accept.

l. Failure to appear for the employment interview.

m. In case of promotional lists, separation from the classified service or from the department or organizational unit for which the list is established.

n. Upon a finding by the director that the person is not qualified to perform the duties of the class.

o. Willful violation of any of the provisions of the Merit Employment Act or the rules promulgated thereunder.

6.4(2) *Notice of removal of names from eligible lists.* Any person whose name is removed from an eligible list shall be promptly notified in writing by the director of the reason for such removal, except where said removal is made because of appointment to a permanent position in the class for which the eligible list was established or a lower class in the same series.

6.5(62GA, ch.95) Restoration of names to eligible lists. Any person whose name is removed from an eligible list as provided above may make a written request to the director for the restoration of his name to such a list for the duration of his eligibility. Such request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name to the list. The director, after full consideration of the request, may restore the name to the eligible list or may refuse such request. The person shall be notified in writing of the director's action on his request.

6.6(62GA, ch.95) Use of eligible lists.

6.6(1) *In the classified service.* Except as otherwise provided in rules 10.2, 10.3, 10.4, 11.2(4) of these rules, all vacancies in the classified service shall be filled by certification and appointment from eligible lists.

6.6(2) *In the exempt service.* The director, upon request, shall make the names of eligibles from eligible lists available to appointing authorities for the purpose of making appointments to positions in the exempt service of agencies served by the department.

6.7(62GA, ch.95) Availability of eligibles. It shall be the responsibility of eligibles to notify the department in writing of changes in address, or other changes that may affect availability for employment. However, the director may, from time to time, circularize lists or use other methods to determine current availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name shall be withheld from certifications which do not

meet the conditions specified. New written statements may be filed at any time within the duration of an eligible list modifying conditions under which employment would be accepted.

CHAPTER 7

CERTIFICATION AND SELECTION

7.1(62GA, ch.95) Method of filling positions. Vacancies in the classified service shall be filled by re-employment, promotion, transfer, demotion, reinstatement or original appointment as provided by these rules.

7.1(1) Request for employees. Whenever an appointing authority wishes to fill a vacancy or a new position in the classified service, a request for certification of eligibles shall be submitted to the director on the form prescribed by him. The request may be for one or more positions in the same class in the same geographical area and shall include the identification number of each position to be filled, the class to which the positions have been allocated, the type of appointment the appointing authority wishes to make, a statement of necessary special or desirable qualifications, if any, and such other information as may be pertinent. The appointing authority shall make such request as far in advance as possible of the date the employee is to begin work.

7.1(2) Anticipating needs. To provide for prompt service in certification of eligibles, appointing authorities shall anticipate their personal requirements as far in advance of the actual need as possible. They shall notify the director of anticipated expansions which will call for certification of more than an ordinary number from frequently used eligible lists or for classes for which eligible lists are not maintained on a continuous basis.

7.2(62GA, ch.95) Certification of eligibles. Upon receipt of a request for certification of eligibles, the director shall certify the proper number of names from the appropriate eligible list or authorize some other type of appointment as provided in these rules. No appointment except an emergency appointment shall be made without such certification or prior authorization.

7.2(1) Order of use of eligible lists. If the position to be filled is a permanent

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one, certification shall normally be made from lists in the following order:

- a. Agency preferred employment list.
- b. Agency promotional list.
- c. State-wide promotional list.
- d. Agency reinstatement list.
- e. State-wide reinstatement list.
- f. Open competitive list.

Upon written request of the appointing authority, the director may vary the order in which lists are used. At the discretion of the director, certification may be made simultaneously from reinstatement and open competitive employment lists. However, no certification may be made from any other list if a qualified employee who has been laid off by the agency in which the vacancy exists is available for assignment.

7.2(2) Order and number of names certified. Names shall be certified in order of their standing on the list. The numbers certified shall be as follows:

a. *Agency preferred list.* The number of names certified shall be equal to the number of vacancies.

b. *Agency promotional list.* The number of names certified for one position shall be three, with one additional name for each additional vacancy, or the upper one-half of the promotional list, whichever is greater.

c. *Other lists.* The number of names certified for state-wide promotional reinstatement and open competitive lists shall be three, with one name added for each additional vacancy. However, the director may add supplementary names to a certificate to be used in event the names certified are not available for appointment. In such case, each appointment must be made in order considering the highest three eligibles available for each appointment.

7.2(3) Selective certifications.

a. *Special qualifications.* An appointing authority may specify, in writing, requirements of particular experience, education, or skill when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the director finds the particular experience,

education, or skill essential for successful performance he may certify, in order of standing on the list, the names of those eligibles who possess those qualifications specified. If, in certifying the names of such eligibles, the director finds there are fewer than three such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their standing on the list.

b. Desirable qualifications. An appointing authority may request, in writing, the certification of those eligibles meeting the desirable training and experience requirements stipulated in the class specification, if any, giving the reason for such request. If approved by the director, only the names of those eligibles on the list who meet the desirable training and experience qualifications shall be certified in the order of their standing on the list. If, in certifying the names of such eligibles, the director finds there are fewer than three such eligibles, he shall complete the certificate by adding after the names of such eligibles, the names of other eligibles available for appointment in the order of their standing on the list.

c. Physical qualifications. An appointing authority may specify, in writing, exceptional requirements of particular physical characteristics when he deems such requirements necessary for a position. If after investigation of the duties and responsibilities of the position, the director finds the exceptional requirements of the characteristic essential for successful performance, he may, certify in order of standing on the list, the names of those persons who possess the qualifications specified. If, in certifying the names of such eligibles, the director finds there are fewer than three such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their standing on the list.

d. Geographic certification. In filling a position in a unit serving a limited area, an appointing authority may request, in writing, the certification of eligibles who are residents of the county in which the position is located. Upon receipt of such a request, the director may certify the names of the highest available eligibles who are residents of that county first. If, in certifying the names of such eligibles for a vacancy in a county, the di-

rector finds there are fewer than three such eligibles, he shall complete the certificate by adding after the names of such eligibles, the names of eligibles in contiguous counties available for appointment in the order of their standing on the list.

e. Temporary appointment certification. Whenever the services to be rendered by an appointee are for temporary periods, not to exceed one hundred and eighty days, the director shall certify names of those eligibles who have indicated their availability for temporary services.

7.2(4) Additional certification to a vacancy. The director may certify additional names to a vacancy upon receipt of a written report from an appointing authority that, in the director's judgment, justifies a finding that one or more of the eligibles certified would not be suitable for the position that is to be filled.

7.2(5) Certification from related lists. Whenever the number of names on an eligible list is insufficient to make a complete certification, the director may certify names of eligibles willing to accept employment from lists for classes of higher standing or from lists for other comparable classes, if he determines the qualifications for those classes are comparable to the class for which the certificate is being issued, and the examination reasonably measures their abilities to perform the duties thereof. The director may, if appropriate, rerate training experience on the basis of the minimum qualifications required for the class in which the vacancy exists.

7.2(6) Life of certificate of eligibles. The life of a certificate of eligibles shall be three weeks from the date of issue unless extended by the director for a period not to exceed one week. Any appointment made from a certificate shall not be affected by any change in the condition of the list during the life of certification. In the event appointment is not reported within one month of the date of issue, the certificate shall expire and any appointment reported thereafter shall be voided.

7.3(62GA, ch.95) Selection. Written inquiry as to availability shall be sent by the appointing authority to each eligible certified for appointment, except in cases where certificates are used to clear provisional appointments. Evidence of having sent a written notice must be sub-

mitted with the report of action on a certificate for each eligible reported as having failed to reply or as being unavailable for appointment.

7.3(1) Appointment from open competitive lists. In making appointments from the open competitive lists, the appointing authority shall select for each position an eligible whose score is among the three highest on the certificate of eligibles exclusive of the names of those eligibles:

a. Who decline appointment or request that they not be considered for appointment;

b. Who fail to reply within a period of five working days to the written inquiry of the appointing authority for an interview, or within three working days to a telegraphic inquiry, or who do not arrange to report for such an interview within a reasonable time, or who fail to appear for an interview which they have arranged with the appointing authority;

c. Who accept an appointment and fail to present themselves for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority;

d. To whom the appointing authority offers an objection in writing based on rules 5.5 or 6.4 of these rules, which objection is sustained by the director.

7.3(2) Report of action on certificates. The final selection by the appoint-

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ing authority shall be reported in writing to the director. At the same time, the appointing authority shall indicate the disposition of the other names listed on the certificate and shall forward to the director for permanent record evidence of the nonavailability of any eligibles passed over for that reason.

7.3(3) Request to withhold certification. If, in the exercise of his choice, the appointing authority passes over the name of an eligible on a list in connection with three separate appointments which he has made from the lists, written request may be made of the director that the name of such eligible be omitted from any subsequent certifications from the same list, to the same appointing authority. This request must contain sufficient evidence to indicate the eligible's unsuitable characteristics for an appointment in the class for which the list was established. If the director approves such request, either the name of such eligible shall not thereafter be certified to him from that list for other vacancies in that class, or his name will be removed from the list.

7.3(4) Notification after interview. Those eligibles or applicants certified to an agency who are interviewed but not appointed shall be notified by the appointing authority within five working days after the appointment is made. Notification is not necessary to those persons who waive or decline appointment.

[Effective May 1, 1969]

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(continued)

Pursuant to authority of chapter 95, Acts of the 62nd General Assembly, the following rules are adopted.

[Filed July 14, 1969]

CHAPTER 4

PAY PLAN

4.1(62GA, ch.95) Preparation and adoption of the pay plan. The director, after consultation with appointing authorities, shall prepare and recommend to the commission a pay plan for all classes of positions in the classified service.

4.1(1) Factors to be considered in preparing the pay plan. Pay grades shall be

related directly to the position classification plan for the classified service and shall be determined with due consideration to pay grades for other classes, the relative difficulty and responsibility of work in the several classes, the recruiting experience of the state, the availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private and other public jurisdictions in the area, employee turnover, cost of living factors, the financial policies and economic considerations of the state. The minimum and maximum rates of pay assigned the several classes of positions shall be those which most nearly reflect these factors.

4.1(2) *Adoption by commission.* The commission, after holding a public hearing, shall adopt the pay plan, or a revision thereof, and forward same to the executive council for approval.

4.1(3) *Approval by executive council.* The pay plan shall become effective on the date it is approved by the executive council unless another date is specified.

4.2(62GA, ch.95) *Pay plan review and amendment.* The director, at his discretion, but not less than annually, shall review the pay plan, giving consideration to factors as specified in subrule 4.1(1) of these rules, and may recommend revisions to the commission. Revision in the pay plan shall be made in the same manner as the adoption and approval of the original pay plan under rule 4.1 of these rules. Any appointing authority may initiate a written request for amendment of the pay plan to the director.

4.2(1) *Revisions in pay grade assignments.* When the director determines that the pay grade assignment of a class is not competitive or is not properly related to the over-all pay plan, he may recommend the reassignment of the class to a different pay grade. Upon approval, pay grade reassignments shall be implemented in accordance with subrule 4.5(8) of these rules.

4.2(2) *Assignment of a new class to a pay grade.* Whenever, in the opinion of the director, there is an urgent administrative necessity for establishing a new class in order to recruit and employ applicants without delay, he may anticipate formal action by the commission and the executive council by assigning such new class to a pay grade tentatively. He may then proceed to announce and hold an examination for the class or authorize an appointment. Such action shall be subject to the commission ratification of the assignment at the next meeting and to subsequent approval by the executive council.

4.2(3) *Economic pay adjustment.* When the director's investigations show an increase or decrease in the cost of living, he may recommend a percentage increase or decrease in pay for all pay grades. Upon approval, each step in each pay grade in the pay schedule shall be recalculated to reflect the percentage increase approved. Each employee shall then be placed on his proper step in the revised pay schedule.

4.3(62GA, ch.95) *Content of the pay plan.* The pay plan for the classified service shall include:

4.3(1) A schedule of numbered pay grades with the minimum, maximum and intermediate steps for each pay grade.

4.3(2) A list of classes of positions by occupational groups and the pay grade to which each class is assigned.

4.4(62GA, ch.95) *Pay of employees.*

4.4(1) *Employees to be paid at one of the steps in the pay plan.* Each employee shall be paid at one of the steps of pay set forth in the pay plan for the class of positions to which the position he occupies is allocated except as provided in paragraph 4.5(1) "f", subrule 4.5(5) and subparagraph 4.6(1) "i" (2) of these rules or when otherwise authorized by the commission. Such pay shall constitute the total compensation for the employee for services rendered to the state.

4.4(2) *Total remuneration.* No employee shall receive any pay under governmental jurisdiction other than that specifically authorized by the commission for the discharge of the duties of his position or additional duties which may be assigned to him or which he may undertake, or volunteer to perform as a state employee.

In any case in which part of the compensation for services in a classified position, exclusive of military training leave, is paid by another department, division, or an outside agency such as the city, county, or federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned to the end that the total compensation paid to any employee from all sources combined, for any period, shall not exceed the amount payable at the rate prescribed for the class of positions to which the employee is certified and appointed.

4.4(3) *Subsistence or maintenance allowances received in lieu of cash shall be considered as part of total compensation.* In each case where an employee and his family are provided with full or part maintenance, consisting of one or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation in kind shall be treated as part payment and its value shall be deducted from the appropriate pay rate in accordance with the schedule promulgated by the director after consul-

tation with appointing authorities and approval of the commission.

4.5(62GA, ch.95) Administration of the pay plan.

4.5(1) Entrance rate of pay. The minimum step (A) of the pay grade class shall normally be used upon original appointment to a class. The following are designated as exceptions which may be approved:

a. Appointment based on scarcity of qualified applicants. If the director determines it is not possible to recruit qualified applicants at the established minimum step of the pay grade for a class, he may, at the request of the appointing authority, authorize recruitment for that class of position at the second (B) step of the pay grade. If qualified applicants cannot be recruited at the second (B) step, the director may authorize recruitment at the third (C) step of the pay grade. All employees in the same class in the same agency in the same geographical area who are being paid at a lower step shall be adjusted in pay to the step approved. Requests for appointment above the third (C) step of the pay grade shall be submitted to the commission for consideration.

b. Appointment based on exceptional qualifications. The director may authorize appointment of a qualified applicant at the second (B) or third (C) step of the pay grade for a class, provided such exception is based on the outstanding and unusual character of the applicant's experience, and provided further that all other employees possessing similar qualifications in the same class in the same agency in the same geographical area are adjusted in pay to the step approved. Requests for appointment above the third (C) step shall be submitted to the commission for consideration.

The appointing authority may appoint an applicant who has been certified by the director as meeting the desirable qualifications stipulated in the class specifications at the second (B) step of the pay grade for the class.

c. Appointment by reinstatement. The director may authorize appointment of a former employee eligible for reinstatement under rule 8.5 of these rules at steps above the minimum step (A) of the pay grade as follows:

(1) When the former employee is reinstated to a position in the same

class as the position in which he previously held status, he may be paid at a step in the pay grade at or below the step he was being paid when separated.

(2) When the former employee is reinstated to a class of position in a lower pay range than the class in which he held status at the time of his separation he may be paid at any step in the pay grade for the class to which he is reinstated, provided it does not exceed the rate he would be eligible to receive in the class in which he held status.

d. Special appointment rates. When the director finds that qualified applicants for a class cannot be recruited at the minimum step (A) of the pay grade due to economic or employment conditions in a limited geographical area or state-wide, he may submit a request to the commission that appointing authorities be authorized to make appointments at a higher step in the pay grade for the class. Upon approval by the commission, such special entrance step shall remain in effect until rescinded by the commission or until such time as the pay grade is revised or the pay grade assignment of the class is revised, whichever is earlier. All employees in the same class within the geographical area to which the special appointment rate is applied who are being paid at a lower step shall be adjusted to the step approved, and thereafter all new employees shall be appointed at that step in the pay grade. For purposes of promotion, such step shall be considered to be the minimum step.

e. Reappointment from preferred employment lists. The appointing authority may re-employ a former employee from the preferred employment list in accordance with rule 8.4 of these rules at the same step in the pay grade for the class from which he was laid off or at any step in the pay grade if he is re-employed in a class of position in a lower pay grade, provided it does not exceed the rate he would have been eligible to receive in the class from which he was laid off.

f. Appointment below minimum step (A) of the pay grade. The director may authorize appointment below the minimum step (A) of the pay grade for a class as follows:

(1) *Career development appointment.* When a career development appointment is made in accordance with subrules 8.1(8) or 8.2(6) of these rules,

the rate of pay shall be set one step below the minimum step (A), or the special appointment rate, whichever is applicable, for each six months experience the appointee lacks in meeting the minimum experience requirements for the class to which the career development appointment is being made. If the appointee is a permanent employee, and his rate of pay equals or exceeds the rate provided herein, he shall be permitted to accrue pay rights in the class from which he is appointed until such time as his eligibility for pay increase exceeds the rate to which he is entitled in his former class.

(2) *Co-operative training and trainee appointments.* When co-operative training and trainee appointments are made in accordance with subrules 8.1(9) and 8.1(10), respectively, of these rules, the rate of pay shall be set one step below the minimum step (A) or the special appointment rate, whichever is applicable, for each semester of training the appointee lacks in meeting the minimum training requirements for the class to which the co-operative training or the trainee appointment is being made.

(3) *Budget limitation.* If the director is advised by the state comptroller that an agency is unable to make appointments at the minimum step (A) of the pay grade for a class because of budget limitations, he may authorize appointment at such step below the minimum as budgetary conditions will permit.

(4) *Competitive rates below minimum.* When the director determines that the competitive entrance rate for a class in a geographical area is below the minimum step (A) of the pay grade, he may authorize appointment of eligibles at such step below the minimum as is necessary to avoid payment of premium entrance rates in that area. Such rate shall be used for all appointments made in the geographical area concerned, until such time as economic conditions warrant a higher entrance rate.

4.5(2) *Merit pay increases.* A merit pay increase is a periodic increase in pay from one step to the next higher step within the pay grade for a class.

a. *A basis for merit pay increases.* Merit pay increases shall not be automatic or retroactive. All such pay increases shall be upon specific recommendation of the appointing authority and shall be based on standards of performance as indicated

by official performance ratings and other pertinent data.

b. *Merit pay increase eligibility.* Employees shall be eligible and may be given consideration by the appointing authority for a one-step merit pay increase at the beginning of the pay period following the satisfactory completion of the periods of service prescribed below for progression from step to step within the pay grade for the class to which their positions are allocated. The periods of service shall be exclusive of time spent on educational leave, leave without pay, and periods during which service was rated less than satisfactory as reflected by an official performance rating. Periods of satisfactory service required for eligibility are as follows:

(1) Progression from step A to B and step B to C—six months.

(2) Progression from step C to D, step D to E and step E to F—twelve months.

(3) Progression from step F to G and step G to H—twenty-four months.

The service must be continuous under permanent, probationary, provisional, duration or substitute appointments, except as provided in subparagraph 4.5(9) "b"(2) of these rules.

c. *Merit pay increase review dates.*

(1) New merit pay increase review dates will be established when:

An employee is originally appointed to the classified service, the merit pay increase review date shall be established on the first day of the pay period for those employees who enter on duty on the first work day of a pay period. For those employees who enter on duty after the first day of a pay period, the merit pay increase review date shall be established on the first day of the pay period following the date of entry on duty.

An employee is granted a merit pay increase later than the date of his normal eligibility, unless such delay is due to budgetary limitations in which case his review date shall remain the same.

An employee is granted leave or leaves without pay, the cumulative total of which exceeds fourteen days in which case his review date shall be set forward one pay period for each fourteen days of such leave.

An employee's performance is rated less than satisfactory, as reflected by an official performance rating, for a period exceeding fourteen days or more in which case his pay review date shall be set forward one pay period for each fourteen days his performance rating remains less than satisfactory.

A change in the merit pay increase review date is specified by the appointing authority, with the approval of the director, as a condition of a personnel transaction.

(2) Merit pay increase review dates shall not be changed when:

An employee's position class is assigned to a new or different pay grade unless specified by the commission as a condition for implementing revisions in pay grades.

An employee receives an exceptionally meritorious service pay increase as provided in subrule 4.5(3) of these rules.

An employee receives a promotional pay increase or a pay increase for assuming lead worker responsibilities as provided in subrules 4.5(4) and 4.5(5) of these rules.

An employee is transferred from one agency to another in the same or a different class in the same pay grade.

An employee is demoted to a position in a lower class unless a change is specified in a disciplinary action.

An employee's position is reallocated to a lower class.

An employee receives a pay increase upon detail to special duty as provided in subrule 4.5(6) of these rules.

4.5(3) Pay increase for exceptionally meritorious service. A pay increase of one step within the pay grade for the class may be made for exceptionally meritorious service, in addition to merit pay increases provided in subrule 4.5(2) of these rules, upon recommendation of the appointing authority and the approval of the commission. Exceptionally meritorious service pay increases shall be governed by the following:

a. The employee must have served in the position for at least three months.

b. Written justification, setting forth in detail the nature of the exceptionally meritorious service rendered,

must be submitted to the commission and approved in advance of granting the pay increase.

c. No more than one exceptionally meritorious service pay increase may be granted in any twelve-month period.

4.5(4) Pay increase upon promotion. A promotion means a change from a position in one class to a position in another class having a higher minimum step (A).

a. An employee who is promoted shall have his pay increased to the minimum step (A) of the pay grade for the higher class if his rate of pay before promotion falls below said minimum (A) step. In the case of overlapping pay grades and the employee's rate of pay is at or above the minimum (A) step of the pay grade for the class to which he is promoted, he shall receive a one-step promotional pay increase except as otherwise provided in "b" and "c" below.

b. For promotions between classes with a one- or two-pay step differential between the pay grades, the director may approve a two-step promotional increase, provided the appointing authority certifies that a change of residence beyond a normal commuting distance is required of the appointee.

c. For promotions between classes with a three- or more pay step differential between the pay grades, the director may approve a two-step promotional increase upon written request of the appointing authority.

4.5(5) Pay for lead worker duty assignment.

a. An employee who is occupying a position which has been classified by the director as a lead worker position, as provided in rule 3.13 of these rules, shall be eligible for a one-step pay increase in addition to his regular step in the pay grade for the class to which the position is allocated.

b. At such time as the employee is removed from the position or the lead worker duties are removed therefrom, the employee's pay shall be reduced one-step to his regular step in the pay grade for the class.

4.5(6) Pay upon assignment to special duty. When an employee is assigned to special duty in another position, as provided in subrule 8.2(7) of these rules his pay may be increased to the minimum

step he could receive upon promotion to such position, provided that:

a. Any such temporary increase granted shall not affect the employee's eligibility for pay increases in his regular position.

b. At the expiration of the assignment to special duty, his pay shall revert to his authorized rate in his regular position.

4.5(7) Pay on demotion.

a. Demotion because of failure to complete a probationary period. When an employee is demoted because of failure to complete a probationary period in a promotional position, his pay rate shall be reduced to the step in the pay grade for the lower class for which he would have been eligible had he not been promoted. Such employee's review date shall revert to that established prior to promotion.

b. Demotion because of layoff or reallocation of position. When an employee is demoted because of layoff procedures or because his position was reallocated to a lower class, his rate of pay in the class to which he is demoted shall be the step in the pay grade nearest to that of his rate of pay in the higher class, provided funds are available, in the case of layoff. In the event funds are not available, his rate of pay shall be the highest step that can equitably be paid to all employees affected by the layoff.

c. Demotion because of disciplinary action. When an employee is demoted for disciplinary reasons from a position in one class to a position in a lower class, his rate of pay shall be reduced at least one step below the rate of pay he was receiving in the higher class, and shall be reduced to a step within the pay grade for the class to which he was demoted.

d. Demotion, voluntary. When an employee is voluntarily demoted from a position in one class to a position in a lower class:

(1) The rate of pay of an employee, who has served at least six months of service at his current pay step, may remain the same provided it does not exceed the maximum step of the pay grade for the lower class.

(2) The rate of pay of an employee who has less than six months service at his current pay step, must be re-

duced at least one-pay step below the rate he is receiving or to the maximum of the pay grade for the lower class, whichever is lower.

4.5(8) Pay adjustments incident to pay grade reassignments.

a. In the event a class is assigned to a higher pay grade, the following pay adjustments will be made to employees occupying positions of that class:

(1) If the new pay grade assigned is one or two grades above the prevailing pay grade assignment, all employees in positions of that class shall be increased at least one step if their pay is on an intermediate or maximum step of the original pay grade or to the new minimum step in cases where the one-step adjustment is not sufficient.

(2) If the new pay grade assigned is three or more grades above the prevailing pay grade assignment, all employees shall be increased at least two steps if their pay is on an intermediate or maximum step or to the new minimum step in cases where the two-step adjustment is not sufficient.

b. In the event a class is assigned to a lower pay grade, the following pay adjustments will be made to employees occupying positions of that class:

(1) The rate of pay of an employee who has served at least six months at his current rate of pay may remain the same.

(2) The rate of pay of an employee who has less than six months' service at his current pay step will be reduced at least one-pay step below the step he is receiving or the maximum of the pay grade for the lower class, whichever is lower.

4.5(9) Pay for appointments of one hundred and eighty days or less.

a. Entrance pay. Pay for employees appointed on temporary, seasonal and intermittent positions shall be in accordance with the provisions of subrule 4.5(1) of these rules.

b. Merit pay increases.

(1) Service under emergency appointment shall not be creditable toward merit pay increases.

(2) Service under seasonal or intermittent appointments shall be cred-

itable on a cumulative basis from year to year toward merit pay increases provided in subrule 4.5(2) of these rules.

4.5(10) Pay upon reassignment. An employee who is reassigned from a position in one class to a different position in the same class or to a position in a different class in the same pay grade shall not be eligible for a pay increase nor shall such reassignment have any effect on his merit pay increase eligibility.

4.5(11) Pay upon transfer.

a. When an employee is transferred from a position in one agency to a position in the same class or another class in the same pay grade in another agency, his rate of pay shall be no higher than the pay he was receiving prior to transfer, and his eligibility for merit pay increases shall not be affected, unless a later eligibility date is stipulated as a condition of the transfer.

b. When an employee is transferred from a position in one agency to a position in a higher or lower pay grade in another agency, his rate of pay shall be fixed by the rules governing promotions or demotions, whichever is applicable.

4.5(12) Pay upon reallocation of position.

a. When a position is reallocated to a class in a higher pay grade, the rate of pay shall be determined in accordance with subrule 4.5(4) of these rules pertaining to pay on promotion and implementation of same shall be subject to certification by the state comptroller of the availability of funds.

b. When a position is reallocated to a class in a lower pay grade, the rate of pay shall be determined in accordance with paragraph 4.5(7) "b" of these rules pertaining to pay on demotion after the expiration of a three-month period which shall be allowed a permanent employee to seek an appointment to a position in the same or a comparable class to that to which his position was previously allocated. During this period his pay shall not be increased if he is being paid at a step which exceeds the maximum of the pay grade for the lower class to which the position has been reallocated. In order to assist the employee in obtaining an appointment to a position in the higher class, his name shall be placed on the agency and the state-wide reinstatement lists.

c. When a position is reallocated to a different class in the same pay grade, no change shall be made in the rate of pay.

4.5(13) Pay for part-time employment. Pay for part-time employment in a position shall be proportionate to the rate of pay for full-time employment.

4.5(14) Effective date of pay changes. All pay changes shall be made effective on the first day of a pay period. Original appointments, re-employments, and reinstatements shall be effective on the first day the appointee reports for duty.

4.5(15) Pay for overlap in position. In cases where it is deemed necessary by the appointing authority to fill a position on an overlap basis pending the separation of an incumbent employee, an appointment of a new employee may be made in accordance with the rules for a period not to exceed one month. Any overlap for a longer period must be approved by the director.

4.5(16) Pay for certified instructional personnel. Employees of state institutions who are incumbents of teaching positions allocated to classes for which teaching certificates are required shall be paid in accordance with the prevailing rates of pay for the school district in which they are employed. The appointing authority shall file a copy of the pay plan for each school district, in which positions requiring teaching certificates are located, with the director not later than September 1 of each year. Such pay plan shall clearly indicate the rates of pay for classes of teachers comparable to those utilized by the institution. Rates of pay for such classes shall require the approval of the director and shall be effective on the first day of the normal contract year for the school district.

4.6(62GA, ch.95) Overtime. Time that an employee works in excess of the prescribed number of hours for a standard work week or an extended work week shall be credited to the employee as overtime.

4.6(1) General policy on overtime.

a. Overtime shall be held to a minimum consistent with the needs of the service.

b. All overtime work must be authorized by the appointing authority in advance of the performance of the work.

c. Normally, compensatory time off shall be granted for overtime; how-

ever, upon request of the appointing authority and certification by the state comptroller of the availability of funds, the director may approve cash payment for overtime as follows:

(1) To any employee eligible for overtime payment under the provisions of the Fair Labor Standards Act irrespective of whether the position is subject to said Act, or the Code of Iowa.

(2) To any employee eligible for overtime payment under subrule 4.6(5) pertaining to overtime accumulation.

It shall be the responsibility of the appointing authority to determine whether or not an employee is eligible for overtime payment under the provisions of the Fair Labor Standards Act.

d. Compensatory time off shall be granted as soon as possible after overtime is earned. Compensatory time off must be granted within one year of the date earned, except that employees of hospitals, nursing homes, schools and institutions of higher education which are subject to the Fair Labor Standards Act must be granted such compensatory time off within the pay period that it is earned. Within the time limitations specified herein, the appointing authority shall respect the wishes of the employees relative to the time at which compensatory time off may be used, insofar as he determines the needs of the service will permit.

e. Additional pay for overtime work shall not be considered as a part of the employee's base pay.

f. All cash overtime payments shall be separately recorded on the payroll.

g. Any additional cash compensation shall cease to be payable, without right of appeal, whenever the employee's work week is reduced to forty hours.

h. The state is considered as one employer for the purposes of determining the number of hours worked.

i. Positions shall be categorized by the director for purposes of determining eligibility for overtime as follows:

(1) *Standard work week.* A standard work week shall include positions which require forty hours of work in seven consecutive days on regular daily assignments or of eighty hours of work in

fourteen consecutive days for shift assignments.

(2) *Extended work week.* An extended work week shall include positions which require more than forty hours of work in seven consecutive days on regular daily assignments or more than eighty hours of work in fourteen consecutive days for shift assignments. Extended work weeks shall be approved by the director only after certification by the state comptroller of the availability of funds. Extended work weeks may be established on increments of two additional hours per week up to forty-eight hours. The rate of pay for the position shall be increased one step for each two-hour increment above forty hours per week. Upon reduction of the work week the pay of the incumbent employee shall be reduced accordingly, without the right of appeal. The extended work week shall not be applicable to positions in hospitals, nursing homes, schools and institutions of higher education which are subject to the Fair Labor Standards Act.

(3) *Nonstandard work week.* The nonstandard work week shall include all positions not assigned to the standard work week and the extended work week categories. Such positions shall be considered to be compensated on a total job basis.

4.6(2) *Rate for crediting overtime work.* An employee who works overtime shall be credited one hour for each hour worked in addition to the prescribed work week for the position he holds.

4.6(3) *Rate for granting compensatory time off.* An employee shall be granted one hour of compensatory time off for each hour of overtime earned.

4.6(4) *Rate of pay for overtime work.* Employees shall be compensated at the regular rate of pay for their position for each hour of overtime earned except for employees occupying positions in hospitals, nursing homes, schools and institutions of higher education which are subject to the Fair Labor Standards Act, who shall be compensated in accordance therewith. It shall be the responsibility of the appointing authority to determine whether or not a position is subject to coverage by the Fair Labor Standards Act.

4.6(5) *Overtime accumulation.* Overtime may be accumulated up to an

amount equal to four times the number of hours in the prescribed work week.

a. If an employee has accumulated overtime equal to four times the number of hours in his prescribed work week, he shall not be eligible to earn further overtime until his accumulated hours of overtime are reduced or cash compensation for additional overtime is approved, in accordance with paragraph 4.6(1)"c" of these rules.

b. If overtime has not been liquidated within one year of the date of accrual, the employee shall be compensated in cash for that overtime.

c. If an employee is transferred or promoted from one agency to another or separates or retires from the classified service, he shall be compensated in cash by the agency from which he is so transferred, promoted, separated or retired,

for such accumulated overtime as cannot be liquidated by compensatory time off prior to the effective date of such action.

4.6(6) *Overtime computation.* For purposes of computing overtime, total hours worked shall exclude all absences from duty, leave without pay and time specifically allowed for meals. Time during which the employee is excused from work because of holidays, sick leave, vacation or compensatory time off shall be construed as time worked.

4.6(7) *Overtime records.* The appointing authority shall, in addition to other time records, include as a minimum each overtime accrual and compensation, whether time off or cash, separate from regular work and compensation. Such time records shall be open to inspection by the director.

[See notes at the end of ch. 12]

MERIT EMPLOYMENT DEPARTMENT

(continued)

CHAPTER 8

APPOINTMENTS

[Filed July 14, 1969]

8.1(62GA, ch.95) Original appointments.

8.1(1) *Probationary appointment.* The appointing authority may make a probationary appointment, in accordance with rule 7.3 of these rules, to fill a permanent position. Probationary appointments shall be governed by the following:

a. Probationary appointments shall be subject to the completion of a probation period as prescribed in chapter 9 of these rules.

b. Probationary appointments shall be made to fill only positions authorized and established on a permanent basis.

c. Probationary appointment shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(2) *Temporary appointment.* When the services to be rendered by an appointee are for a temporary period not to exceed 180 days, an appointing authority may make a temporary appointment.

Temporary appointments shall be governed by the following:

a. Temporary appointments shall insofar as practicable, be made from eligible lists. If after the director has made a reasonable effort to certify eligibles for temporary appointment from an existing eligible list, and he has found it impracticable to make such certification, he may authorize the temporary appointment of a person designated by the appointing authority provided such person meets the minimum education and experience requirements for the position. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the eligible list, nor shall the period of temporary service be counted as a part of his probationary period in case of subsequent appointment to a permanent position.

b. Temporary appointments may be made to fill positions:

(1) Which are authorized and established for a period of 180 days or less.

(2) When leaves of absence not exceeding 180 days are granted employees in permanent positions.

c. Successive temporary appointments to the same position or of the same person shall not be made.

d. Temporary appointment shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(3) Provisional appointment. When there is no appropriate eligible list available, or when there is not a sufficient number of eligibles on appropriate lists who are willing to accept appointment, the director may authorize the appointing authority to make a provisional appointment of a person meeting the established minimum qualifications for the class to which the position is allocated. Provisional appointments shall be governed by the following:

a. Provisional appointments shall be limited to 180 days.

b. Successive provisional appointments of the same person to the same or other positions in the same class shall not be made.

c. A provisional appointment shall terminate no later than one month from the date the director certifies available eligibles from an appropriate list for the position or at the end of 180 days, whichever is earlier.

d. Provisional appointment shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(4) Duration appointment. When an appointment is limited in duration by scope of work, project grants, contracts, funds or other reasons and is expected to last more than 180 days, but no longer than two years, unless a longer period is approved by the commission, such appointment shall be designated a duration appointment and governed by the following:

a. Duration appointments shall be made from eligible lists in the same manner as regular appointments to permanent positions. The acceptance or refusal by an eligible of a duration appointment shall not affect his standing on the eligible list.

b. Duration appointments may be made only to positions authorized and established for a specified period of not less than 180 days, nor more than two years,

unless a longer period is approved by the commission.

c. Duration appointments shall not confer on the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any permanent position in the classified service; however, he shall have the right of appeal upon satisfactory completion of one year of probationary service, except when his duration employment is terminated upon expiration of the position. Upon expiration of the position, the appointee's name may be placed on the reinstatement list provided he has satisfactorily completed at least one year of probationary service.

8.1(5) Substitute appointment. When a permanent position is vacant due to the granting of an extended leave of absence to the incumbent, the appointing authority may make a substitute appointment. Substitute appointments shall be governed by the following:

a. Substitute appointments shall be made from eligible lists in the same manner as regular appointments. The acceptance or refusal by an eligible of a substitute appointment shall not affect his standing on the eligible list.

b. Substitute appointment shall be made only to fill permanent positions vacant because leaves of absence in excess of 180 days are granted incumbents for:

(1) Military leave.

(2) Educational leave.

(3) Leave to accept exempt appointments.

(4) Leave for detached duty.

(5) Leave without pay due to illness.

(6) Other authorized leaves of absence.

A substitute appointment shall be terminated upon expiration of the leave of absence granted the incumbent employee.

c. In event a vacancy occurs in a permanent position in the same class and the substitute appointee's rating on the examination would rank him among the top three eligibles available on the certificate, the appointing authority may request the director to add his name to the certificate so that he can be certified for a probationary appointment to fill the vacancy. The position vacated may then be

filled by a substitute or a temporary appointment, whichever is applicable.

d. Substitute appointment shall not confer on the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service; however, he shall have the right of appeal upon satisfactory completion one year of probationary service, except when his duration employment is terminated at the end of the specified period. Upon termination of the substitute appointment, the substitute appointee's name may be placed on the reinstatement list, provided he has satisfactorily completed at least one year of probationary service.

8.1(6) Seasonal appointments. When the services to be rendered in a position occur, terminate, and reoccur periodically and regularly, the appointing authority may make a seasonal appointment. Such seasonal appointments shall be governed by the following:

a. Seasonal appointments shall be made from special eligible lists established under subrule 5.7(4) of these rules. In the absence of a list with at least three available eligibles, the director may authorize a provisional appointment in accordance with subrule 8.1(3) of these rules.

b. Seasonal appointments shall be made to fill only positions which are authorized and established as seasonal positions for a specified period each year, not to exceed eight months in any twelve-month period, on a continuing basis, year after year. Appointees shall be placed on leave without pay upon completion of each period of seasonal employment and may be returned to duty the following season in a position in the same class the following year.

c. No person shall be employed under seasonal appointment for more than eight months in any twelve-month period.

d. Seasonal appointment shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(7) Intermittent appointments. When the services to be rendered in a position occur on an intermittent or irregular basis, the appointing authority may make an intermittent appointment.

Such intermittent appointments shall be governed by the following:

a. Intermittent appointments shall be limited to persons who have previously qualified by examination and were appointed from eligible lists and who previously held temporary, probationary or permanent appointments in appropriate classes in the classified service.

b. Employment under intermittent appointment shall be limited to 180 days or 1020 hours in any twelve-month period.

c. Intermittent appointments may be made to fill only positions which are authorized and established as intermittent positions.

d. Intermittent appointments shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(8) Career development appointment. When a position cannot be filled because of the lack of qualified eligibles or applicants meeting the minimum qualifications for the class, the director may authorize the appointing authority to make a career development appointment of a person meeting the minimum educational requirements, but who lacks the experience necessary to qualify. Career development appointments shall be governed by the following:

a. Career development appointments only in the absence of qualified eligibles or applicants eligible for provisional appointment and only after reasonable efforts have been made to recruit qualified applicants.

b. Career development appointments shall be limited to one year unless the commission authorizes a longer appointment period. Appointees must meet the minimum experience requirement upon expiration of the appointment.

c. Career development appointments shall be made from appropriate eligible lists or special eligible lists established for this purpose. However, in the absence of appropriate eligible lists, the director may authorize an appointment subject to examination at a later date.

d. Career development appointment shall not confer on the appointee any privilege or right of promotion, trans-

fer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(9) Co-operative training appointment. Upon request the director may authorize the appointing authority to make co-operative training appointments to one or more permanent positions. Co-operative training appointments shall be governed by the following:

a. Two co-operative training appointments shall be made to each position. The appointees shall work alternate periods, one being enrolled in full-time study while the other is working. No appointee may be employed more than three semesters or the equivalent, in any two-year period.

b. Co-operative training appointees:

(1) Must be bona fide students in an accredited educational institution;

(2) Must be pursuing a study program which is directly related to the work of the position and which prepares him to meet the minimum qualifications for the class to which appointment is made;

(3) Must have successfully completed one year of the study program for which he is enrolled.

c. Co-operative training appointment shall not confer on the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(10) Trainee appointment. When there is a need for services which can be performed by student trainees, the director may authorize the appointing authority to make a trainee appointment of a person who does not meet the minimum education and experience requirement as follows:

a. Appointments for half-time or less. Trainee appointments may be made on a half-time, or less, basis of students currently enrolled in a course of study which will qualify them for the position to which the appointment is made within one year. Such appointments shall be governed by the following:

(1) The appointee shall be certified by the educational institution as to his student status and course of study.

(2) Such appointment shall not exceed 180 days or the equivalent in part-time employment.

(3) Appointment shall be made only to permanent positions.

b. Appointment exceeding half-time. Trainee appointments which exceed one-half time may be made of bona fide students pursuing a course of training which will qualify them for appointment to a position in the classified service. Such appointments shall be governed by the following:

(1) Appointees must be at least fourteen years old and possess working permits if required by law.

(2) Such appointments shall not exceed 180 days in any twelve-month period.

(3) Appointments shall be made only to authorized and established temporary positions.

c. Trainee appointments shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment.

8.1(11) Emergency appointment. When the necessity for making a short term employment exists in order to preserve the public peace, health, or safety or to prevent the stoppage of public business, an appointing authority may make an emergency appointment without prior approval. Such emergency appointments shall be governed by the following:

a. The nature of the emergency shall be such that it is not practical to secure the needed person or persons from eligible lists in time to meet the emergency.

b. The appointing authority shall forthwith, but in no case later than three working days, report to the director any emergency appointment giving the name of the appointee, the rate of pay, the probable length of employment, the nature of the emergency, and the nature of the duties performed.

c. Whenever possible, an emergency appointment shall ordinarily be made at

the minimum step for the class to which the duties performed can be properly allocated. The director shall allocate the position filled by emergency appointment and shall notify the appointing authority of such allocation and the pay step applicable thereto. After such notice no payroll purporting to pay the appointee at another pay step shall be approved.

d. Emergency appointments shall not exceed sixty days (or 320 hours) and no appointee shall serve under such appointment for more than sixty days (or 320 hours) in any twelve-month period.

e. A vacancy of which the appointing authority had reasonable notice, or any employment of which he had previous knowledge, shall not be considered an emergency. The director shall have the right to make such investigation as he deems necessary to determine whether an emergency actually exists.

8.2(62GA, ch.95) Promotional appointments.

8.2(1) Probationary appointment. The appointing authority may make a promotional probationary appointment in accordance with subrule 10.1(2) of these rules, to fill a permanent position. Promotional probationary appointments shall be governed by the following:

a. Promotional probationary appointment shall be subject to the completion of a one-year probationary period as prescribed in rule 9.2 of these rules.

b. Promotional probationary appointment shall not confer upon the appointee any privilege or right of transfer, re-employment or reinstatement to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment. However, the appointee shall retain his permanent status rights in the class from which he was promoted.

8.2(2) Temporary appointment. When the services to be rendered in a position are for a temporary period not to exceed 180 days, an appointing authority may make a promotional temporary appointment in accordance with subrule 10.1(2) of these rules. Promotional temporary appointments shall be governed by the following:

a. Temporary appointments shall insofar as practicable, be made from eligible lists. After the director has made a reasonable effort to certify eligibles for

promotional temporary appointment from existing eligible lists, he may authorize the temporary appointment of a permanent employee designated by the appointing authority provided such employee meets the minimum education and experience requirements for the position. The acceptance or refusal by an eligible of a promotional temporary appointment shall not affect his standing on the eligible list, nor shall the period of temporary service be counted as a part of his probationary period in case of subsequent appointment to a permanent position.

b. Promotional temporary appointments may be made to fill positions:

(1) Which are authorized and established for a period of 180 days or less;

(2) When leaves of absence not exceeding 180 days are granted employees in permanent positions;

c. Successive promotional temporary appointments to the same position or of the same employee shall not be made.

d. Promotional temporary appointment shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment, or reinstatement to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment. However, the appointee shall retain his permanent status rights in the class from which he was promoted.

8.2(3) Provisional appointment. When there is no appropriate eligible list available, or when there is not a sufficient number of eligibles on appropriate lists who are willing to accept appointment, the director may authorize the appointing authority to make a promotional provisional appointment of a permanent employee meeting the established minimum qualifications for the class to which the position is allocated. Promotional provisional appointments shall be governed by the following:

a. Promotional provisional appointments shall be limited to 180 days.

b. Successive promotional provisional appointments to the same class shall not be made.

c. A promotional provisional appointment shall terminate no later than one month from the date the director

certifies available eligibles from an appropriate list for the position or at the end of 180 days, whichever is earlier.

d. In those instances where a promotional provisional appointee has served 180 days and no examination for the class has been given, the appointee shall be placed on probationary status if the appointing authority declares in writing at least fourteen days prior to the expiration of the 180-day period that such appointee is competent and the director determines him qualified by an appropriate examination.

e. Provisional appointment shall not confer upon the appointee any privilege or right of promotion, transfer, re-employment or reinstatement to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment. However, the appointee shall retain his permanent status rights in the class from which he was promoted.

8.2(4) Duration appointment. When a promotional appointment is limited in duration by scope of work, project grants, contracts, funds or other reasons and is expected to last more than 180 days, but no longer than two years, unless a longer period is authorized by the commission, such appointment shall be designated a promotional duration appointment and governed by the following:

a. Promotional duration appointments shall be made from eligible lists in the same manner as regular appointments to permanent positions. The acceptance or refusal by an eligible of a promotional duration appointment shall not affect his standing on the eligible list.

b. Promotional duration appointments may be made only to positions authorized and established for a specified period of not less than 180 days, nor more than two years, unless a longer period is authorized by the commission.

c. Promotional duration appointments shall not confer on the appointee any privilege or right of promotion, transfer, re-employment, or reinstatement to any permanent position in the classified service; however, he shall have the right of appeal upon satisfactory completion of one year of probationary service, except when his promotional duration employment is terminated upon expiration of the position. Upon expiration of the position, the appointee shall retain his permanent

status rights in the class from which he was promoted and his name may be placed on the reinstatement list for the class in which he held a promotional duration appointment, provided he has satisfactorily completed at least one year of probationary service.

8.2(5) Substitute appointment. When a permanent position is vacant due to the granting of an extended leave of absence to the incumbent, the appointing authority may make a promotional substitute appointment. Promotional substitute appointments shall be governed by the following:

a. Promotional substitute appointments shall be made from eligible lists in the same manner as regular appointments. The acceptance or refusal by an eligible of a promotional substitute appointment shall not affect his standing on the eligible list.

b. Promotional substitute appointments shall be made only to fill permanent positions vacant because of leaves of absence in excess of 180 days are granted incumbents for:

- (1) Military leave.
- (2) Educational leave.
- (3) Leave to accept exempt appointments.
- (4) Leave for detached duty.
- (5) Leave without pay due to illness.
- (6) Other authorized leaves of absence.

A substitute appointment shall be terminated upon expiration of the leave of absence granted the incumbent employee.

c. In event a vacancy occurs in a permanent position in the same class and the substitute appointee's rating on the examination would rank him among the top eligibles available for appointment on the promotional certificate, the appointing authority may request the director to add his name to the certificate so that he can be certified for a probationary appointment to fill the vacancy. The position vacated may then be filled by a substitute or a temporary appointment, whichever is applicable.

d. Promotional substitute appointment shall not confer on the appointee any privilege or right of promotion, trans-

fer, re-employment or reinstatement to any position in the classified service; however, he shall have the right of appeal upon satisfactory completion of one year of probationary service, except when his duration employment is terminated at the end of the specified period. Upon termination of the promotional substitute appointment, the appointee shall retain his permanent status in the class from which he was promoted and his name may be placed on the reinstatement list for the class in which he held a promotional substitute appointment provided he has satisfactorily completed at least one year of probationary service.

8.2(6) Career development appointment. When a position cannot be filled because of the lack of qualified eligibles or permanent employees meeting the minimum qualifications for the class, the director may authorize the appointing authority to make a promotional career development appointment of a permanent employee meeting the minimum education requirements, but who lacks the experience necessary to qualify. Promotional career development appointments shall be governed by the following:

a. Promotional career development appointments shall be made only in the absence of qualified eligibles or permanent employees eligible for provisional appointment and only after reasonable efforts have been made to recruit qualified applicants.

b. Promotional career development appointments shall be limited to one year unless the commission authorizes a longer appointment period. Appointees must meet the minimum experience requirement upon expiration of the appointment.

c. Promotional career development appointment shall be made from appropriate eligible lists or special eligible lists established for this purpose. However, in the absence of appropriate eligible lists, the director may authorize an appointment subject to examination at a later date.

d. Promotional career development appointment shall not confer on the appointee any privilege or right of promotion, transfer, re-employment or reinstatement to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment. However, the appointee shall retain his permanent status rights in the class from

which he was promoted and upon satisfactory completion of a career development appointment, the appointee shall have the right of certification to the position upon qualifying by examination for the class.

8.2(7) Assignment to special duty. When the need for services in a higher level position is for a period of not less than one month nor more than three months, the director may authorize an assignment to special duty of a permanent employee designated by the appointing authority. Assignments to special duty shall be governed by the following:

a. Assignments to special duty may be made to fill positions:

(1) Which are authorized and established for a period of not less than one month or more than three months;

(2) When leaves of absence not exceeding three months are granted employees in permanent positions;

(3) When a vacant position needs to be filled on an emergency basis in absence of a qualified eligible.

b. Successive assignments to special duty to the same position or of the same employee shall not be made.

c. Assignment to special duty shall not confer upon the assignee any privilege or right of promotion, transfer, re-employment, or reinstatement to any position in the classified service, nor does it confer any right of appeal upon termination of the assignment. However, the assignee shall retain his permanent status rights in the class from which he was promoted.

8.3(62GA, ch.95) Permanent appointment. The appointing authority may make a permanent appointment of an employee who has satisfactorily completed a probationary period as prescribed in chapter 10 of these rules.

8.3(1) Permanent appointments may be made only to positions authorized and established on a permanent basis.

8.3(2) Permanent appointment shall confer on the appointee all rights and benefits that accrue to permanent employees in the classified service.

8.4(62GA, ch.95) Re-employment. The appointing authority shall re-employ the top eligible available from a preferred employment list issued to fill a position. Re-employments may be made to permanent or other types of positions. However, the

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acceptance or refusal of other than a permanent position shall have no effect on the eligible's standing on the preferred employment list. Persons re-employed in positions in the classified service shall not be required to serve a probationary period and they shall be credited with the retention points they had at the time of layoff.

8.5(62GA, ch.95) Reinstatement. The appointing authority shall reinstate former employees from a reinstatement list issued to fill a position in accordance with rule 7.3 of these rules. Reinstatements may be made to permanent or other types of positions. However, the acceptance or refusal of other than a permanent position shall have no effect on the eligible's standing on the reinstatement list. Persons reinstated to positions in the classified service shall be subject to completion of a

probationary period as prescribed in rule 9.2 of these rules.

8.6(62GA, ch.95) Preappointment clearance.

8.6(1) Background investigation. It shall be the responsibility of the appointing authority to conduct pre-employment investigation of the education and employment records and of the personal fitness of applicants or eligibles being considered for appointment. Evidence that an applicant or eligible who has been certified does not meet the training and experience requirements for the class, or that he is otherwise unsuitable for employment with the state, shall be reported to the director.

8.6(2) (This section is reserved for a rule on physical examinations.)

[See notes at the end of ch. 12]

MERIT EMPLOYMENT DEPARTMENT (continued)

CHAPTER 9

PROBATIONARY PERIOD

[Filed July 14, 1969]

9.1(62GA, ch.95) Purpose. The probationary period shall be an integral part of the examination and selection process and shall be utilized by the appointing authority to closely observe the employee's work, to train and aid the employee in adjustment to the position to which he has been appointed, and to reject any employee whose performance fails to meet the required work standards.

9.2(62GA, ch.95) Duration of probationary period. All original and promotional appointments shall be tentative and subject to a probationary period of one year of actual service. Any interruption of service during the probationary period shall not be counted as a part of the one year of total service. The period of uninterrupted service in a position as a provisional or a substitute appointee which immediately precedes certification of the employee to the position shall be counted as a part of the employee's probationary period.

An employee who is promoted prior to the completion of his probationary period to a higher position in the same occupational field shall complete his probationary period in the lower position by service in the higher position and the appointing authority shall certify him for permanent status in the lower position at the end of the one-year period following his ap-

pointment to that position if the employee is to be continued in the classified service. Verification of satisfactory service in the new position by the appointing authority will also constitute verification of satisfactory service in the original position.

9.3(62GA, ch.95) Evaluation of performance during probationary period. During the probationary period the appointing authority shall report in writing his observations of the employee's work, his judgment as to the employee's willingness and ability to perform his duties satisfactorily and his habits and dependability at such time and in such manner as the director may prescribe.

9.4(62GA, ch.95) Removal during probationary period. At any time during the probationary period, an appointing authority may remove an employee whose performance does not meet the required work standards. Notice in writing, giving the cause or causes therefor, shall be given the employee and the director, not less than ten days before the effective date of the removal or the end of the probationary period whichever is earlier. If the director determines that an employee, who is removed from his position during or at the end of his probationary period, is suitable for appointment to another position, he may restore his name to the list from which it was certified. Removals during the probationary period shall be governed by the following:

9.4(1) Demotion during probationary period.

a. An employee serving a probationary period as a result of appointment from a promotional list, who is removed from the new position for reason other than for cause as stipulated in subsection 16, section 9, and sections 18 and 19 of chapter 95, Acts of the 62nd General Assembly, and who was a permanent status employee in another position in the agency immediately prior to the promotional appointment, shall be demoted to a position in his former class. If there is no vacant position in his former class, the rules pertaining to layoff shall apply.

b. If, at any time during the probationary period, an employee is subject to layoff because of reduction in force, the appointing authority, with the consent of the employee and approval of the director, may demote such employee in lieu of layoff if a position is available in an appropriate lower class. The name of the employee demoted during the probationary period shall be restored to the eligible list from which it was removed at the time of appointment, in the order of his original examination rating. The probationary period of an employee demoted in lieu of layoff shall include the period of service in the class from which he was demoted. No demotion of this kind shall be made if it will result in the separation of any other employee with longer service.

9.4(2) Discharge during probationary period.

a. An employee serving a probationary period as a result of appointment from a promotional list who was a permanent status employee prior to the promotional appointment may be discharged for cause in accordance with subrule 11.2(5) of these rules. Such employee shall have appeal rights based on his

permanent status in the class from which he was promoted.

b. An employee serving a probationary period as a result of an original appointment may be discharged in accordance with subrule 11.2(5) of these rules. Such employee shall have no right of appeal of the discharge action.

c. Removal of more than two employees appointed successively to the same position within a three-month period shall be deemed to require such explanation of these and all succeeding removals within such period as will satisfy the director of the reasonableness of further certification from an eligible list or for granting of authority to fill the vacancy by provisional appointment.

9.5(62GA, ch.95) Completion of probationary period. At least ten days prior to expiration of an employee's probationary period, the appointing authority shall notify the director in writing whether the services of the employee have been satisfactory or unsatisfactory and whether the employee will be continued in his position. A copy of this notice shall be given to the employee by the appointing authority. Upon receipt by the director of a favorable report, the appointment of the employee shall be made permanent, as provided in rule 8.3 of these rules, upon expiration of the probationary period. If the employee's service is unsatisfactory, he shall be removed from the payroll ten days from the date of the notice thereof but in no case later than the date of expiration of his probationary period. Failure of the appointing authority to certify the services of an employee as being satisfactory or unsatisfactory as prescribed by subsection 8, section 9, Acts of the 62nd General Assembly, shall result in the employee being dropped from the payroll upon expiration of his probationary period.

[See notes at the end of ch. 12]

MERIT EMPLOYMENT DEPARTMENT

(continued)

CHAPTER 10**PROMOTIONS, REASSIGNMENTS, TRANSFERS, AND DEMOTIONS**

[Filed July 14, 1969]

10.1(62GA, ch.95) Promotions.

10.1(1) Vacancies in the classified service shall be filled by promotion whenever practicable and in the best interest

of the system. Promotions shall be based on merit and fitness and shall be made in accordance with procedures established in these rules.

10.1(2) Appointment from promotional lists. Appointments from promotional lists shall be made in the same manner as prescribed for open competitive lists in subrule 7.3(1) of these rules, except that

appointment may be made from the upper one-half of the eligible list if the number of eligibles on the list exceeds six. In cases involving odd numbers, a fraction shall be construed as a whole number in certifying eligibles.

10.2(62GA, ch.95) Reassignments. An appointing authority may, at any time, reassign an employee under his jurisdiction from one position to a position in the same class in the same agency, except that:

10.2(1) No employee, certified to fill a vacancy on a geographical basis in accordance with paragraph "d," subrule 7.2(3) of these rules, shall be reassigned to a position outside the geographical area to which he was certified until the probationary period has been completed.

10.2(2) No employee, certified to fill a vacancy on the basis of specific requirements of particular experience, education, skill or physical characteristics in accordance with paragraphs "a" or "c," of subrule 7.2(3) of these rules, shall be reassigned from that position until the probationary period has been completed unless the director finds that the position to which reassignment is proposed requires the same special qualifications which justified the original certification.

10.3(62GA, ch.95) Transfers. Permanent employees may be transferred on an inter-agency or intra-agency basis as follows:

10.3(1) Intra-agency transfers. The appointing authority may transfer an employee from a position in one class to a position in another class in the same pay grade, provided the director finds that the employee possesses the minimum qualifications and has passed an appropriate examination for the new class. The director may require a qualifying examination if the employee has not previously passed an appropriate examination for the new class.

10.3(2) Interagency transfers. A permanent employee may be transferred from a position in one agency to a position in the same or a different class in the same

pay grade in another agency, provided the director has authorized the transfer and has received approval of both appointing authorities concerned. In the case of transfer to a different class, the director shall require the employee to meet the minimum qualifications and qualify on an appropriate examination if he has not previously passed such examination.

10.3(3) Transfer to a higher class of position. Any transfer of an employee from a position in a lower to a position in a higher class shall be made in accordance with the rules governing promotions.

10.3(4) Transfer to a lower class of position. Any transfer of an employee from a position in a higher to a position in a lower class shall be made in accordance with rules governing demotions.

10.3(5) Effective date of transfers. All transfers shall be made effective at the beginning of a pay period.

10.4(62GA, ch.95) Demotions.

10.4(1) Voluntary demotion. If, for personal reasons, a permanent employee wishes to be demoted to a position in a lower class, the appointing authority may, upon written request of the employee, make such demotion. However, no such demotion shall be made unless the employee is certified by the director as being eligible for appointment, nor shall such appointment be made if any permanent employee in the lower class will be laid off by reason of such action.

10.4(2) Demotion in lieu of layoff. Demotion in lieu of layoff shall be made in accordance with the provisions of paragraph "k", subrule 11.1(3) of these rules.

10.4(3) Demotion during probationary period. Demotion during the probationary period shall be made in accordance with subrule 9.5(1) of these rules.

10.4(4) Disciplinary demotion. Disciplinary demotions shall be made in accordance with subrule 11.2(4) of these rules.

[See notes at the end of ch. 12]

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(continued)

CHAPTER 11

SEPARATION AND DISCIPLINARY ACTIONS

[Filed July 14, 1969]

11.1(62GA, ch.95) Separations.

11.1(1) Resignation. Upon voluntary separation from the classified service, an

employee shall submit a letter of resignation to his appointing authority.

a. In order to resign in good standing an employee must give the appointing authority at least fourteen days notice prior to the effective date of his resignation. However, the appointing authority,

because of extenuating circumstances, may agree to a shorter period of notice. With the approval of the appointing authority an employee may withdraw his resignation any time prior to the effective date thereof. However, withdrawal shall not be approved if it will result in the layoff of an employee appointed to fill the position made vacant by the resignation.

An employee who fails to give the required notice of resignation shall forfeit any right of placement on eligible lists and, at the request of the appointing authority, may be barred from future certification to that agency.

b. Within ten days of receipt of a letter of resignation the appointing authority shall enter thereon his acceptance and forward a copy to the director, together with a certificate that the employee's services have or have not been satisfactory and the employee is or is not recommended for placement on a reinstatement list or an eligible list, whichever is applicable.

c. The director may make such investigation as he deems to be warranted for the purpose of verifying reasons for resignations. No form of resignation filed without a date or with a future date, that is not intended to be a bona fide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the director as a resignation. Each separation under such circumstances shall be deemed a discharge and the provisions of these rules pertaining to discharge shall apply. Any demand or request of an appointing authority for the filing of any such form of resignation for possible future action at the option of the appointing authority shall be deemed to constitute prima-facie evidence of coercion in contravention of these rules.

d. Any person who has served satisfactorily as a permanent employee in the classified service, and who has been separated therefrom by written resignation which is approved by the director as constituting a separation from the service in good standing, may request the director to place his name on a reinstatement list for a period, after the date of separation, equal to his period of continuous employment but not to exceed two years. The director shall review the circumstances of separation and place the name of such person on the reinstatement list he deems appropriate for the remainder of his period of eligibility provided the

former employee is eligible under rule 5.5 of these rules.

e. An employee who resigns shall have his name removed from equal and lower eligible open competitive lists until he is again available for employment and so notifies the director in writing of his availability. His name shall be removed from all promotional lists.

11.1(2) Termination upon expiration of appointment.

a. Upon expiration of an original appointment of specified duration, the appointing authority shall terminate the employee without prejudice, provided his services have been satisfactory. If the services of the employee have not been satisfactory, the provisions of these rules pertaining to discharge shall apply.

b. Terminations shall be reported to the director on prescribed forms no later than the effective date of the termination.

11.1(3) Reduction in force—layoff. An appointing authority may lay off an employee whenever he deems it necessary because of shortage of funds or work, a material change in duties or organization or abolishment of one or more positions. Such reduction in force shall be by agency formula, as approved by the commission. Separation by reduction in force shall be accomplished in a systematic manner, with equity for the rights of employees and shall not be allowed as a subterfuge to abrogate an employee's right of appeal if the reduction in force separation is in fact a discharge. The agency formula shall conform to the following provisions:

a. Reduction in force shall be by class of position.

b. Reduction in force may be by organizational unit of an agency or agency wide, as designated by the appointing authority, provided such designation is made and approved by the commission before the effective date of the reduction.

c. The order of reduction in force shall be by type of appointment as follows: Emergency, trainee, intermittent, temporary, seasonal, co-operative training, career development, provisional, duration, substitute, probationary and, lastly, permanent employees.

d. Each employee affected by a reduction in force shall be notified in writ-

ing of layoff and reasons therefor, at least ten days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

e. There shall be adequate competition among all employees in the class of position or positions affected by the layoff by reasons of a reduction in force based on a retention points system which shall be made up of a combination of points for length of service and performance evaluation of all employees in the class of position or positions in the organizational unit or units affected. Length of service and performance evaluation points shall be calculated as follows:

(1) Length of service credit shall be allowed at a rate of one point for each month of service. For the purpose of computing length of service credits, the appointing authority shall include all continuous periods of employment between the date of original appointment and the date of layoff. Approved leaves of absence without pay, suspensions without pay and layoffs for periods exceeding fourteen consecutive days shall not be counted; however, the periods of service immediately preceding and that immediately following such leaves of absence and layoffs shall be counted. An employee who is returned to duty following approved military duty shall have all periods of military service counted as continuous service. Breaks in service, where the employee is off of the payroll of an agency for more than fourteen days shall be considered as a new employment.

(2) Performance evaluation credit shall be allowed at a rate of one point for each month of service rated as satisfactory under a performance evaluation plan approved under chapter *.. of these rules. An additional one-half point shall be added for each month of service during which performance is rated one or more levels above satisfactory. No credit shall be allowed for service rated less than satisfactory.

No performance evaluations which are made less than three months prior to a reduction in force shall be used in determining performance evaluation credits.

In the absence of performance evaluations made under an approved plan, all employees in the class or classes affected

*To be filled in when section number is determined.

shall be considered to be of equal efficiency and one performance evaluation point (satisfactory) shall be given for each month of continuous service.

(3) Reduction in force retention points shall be the total of the length of service credit points and the performance evaluation credit points.

f. Employees shall be placed on the layoff list beginning with the employee with the highest number of retention points. Employee layoffs shall be made from the layoff list in inverse order. Copies of the computation of the length of service credits and performance evaluation credits shall be furnished to the employees and to the commission.

g. When two or more employees have the same combined total of retention points from length of service credits and performance evaluation credits, order of termination shall be determined by giving preference for retention in the following sequence:

(1) The employee who is entitled to veterans' disability preference.

(2) The employee who is entitled to veterans' preference.

(3) The employee with the highest performance evaluation credits.

h. The reduction in force list approved by the commission shall be posted by the appointing authority so all employees shall have access to same.

i. The appointing authority shall give written notice to the commission of its intention at least fourteen days prior to a reduction in force and shall send to the commission a list of persons affected by the layoff with their total retention points and shall indicate thereon which employees will be laid off.

j. Appeal to the commission must be filed in writing within seven days after notification as provided in paragraph "d" of this subrule.

k. A permanent employee in a class of position in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower class of position in the same series as the class of position in which layoffs are to be effected, or, in the absence of a lower class of position in the same series, to a class of position which the employee has formerly occupied

while in the continuous employ of the agency. Such demotion or the occupying of a formerly held position shall not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position, in lieu of layoff, the employee must notify the appointing authority, in writing, of such election not later than five calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions shall have the right of election as provided herein.

Any employee who elects a voluntary demotion or to occupy a position he formerly held, in lieu of layoff, shall have the right of promotion or reinstatement to the class of position he formerly occupied, provided he meets the qualifications of the position, before any other person may be promoted to, or a new employee hired for such class of position by the appointing authority enforcing the layoff. Any employee laid off because of a reduction in force, shall be offered a position in the class from which he was laid off, provided he meets the qualifications of the position, before a new employee may be hired for such position by the appointing authority enforcing the layoff, if such opening becomes available within one year of the date of such layoff because of a reduction in force.

l. The names of employees laid off by an appointing authority shall be placed on eligible lists as follows:

(1) The name of a permanent employee shall be placed on the preferred employment list and the reinstatement list for the class from which he is laid off as provided in subrules 6.2(1) and 6.2(2), respectively, of these rules.

(2) The name of a probationary employee shall be placed on the reinstatement list for the class from which he is laid off, as provided in subrule 6.2(2) of these rules.

m. Any temporary interruption of employment because of adverse weather conditions, shortage of supplies, or for other unexpected or unusual reasons, which does not exceed ten days, shall not be considered a layoff if, at the termination of such conditions, employees are to be returned to employment. Such interruptions of employment shall be recorded and reported as leave without pay. In-

terruptions in employment of school term employees due to lack of work between terms shall be recorded and reported as leave without pay. If all such employees available for work cannot be returned to their positions when school resumes, order of recall shall be in accordance with rules governing layoff.

11.1(4) Retirement.

a. Voluntary retirement. An employee may elect to retire from a position in the classified service upon becoming eligible under a state retirement system. Such employee shall notify his appointing authority in writing at least fourteen days in advance of the date his retirement is to become effective.

b. Retirement at age seventy. If an employee is retired in compliance with section 97B.45, Code of Iowa, he shall be considered as separated without prejudice and shall have no right of appeal. An employee shall be given at least two months notice of his impending retirement to permit him to file his request for retirement with the employment security commission. The appointing authority shall notify the employee in writing of the date on which he will retire or that the appointing authority is requesting the employee to continue his employment beyond the age of seventy. Should the appointing authority elect to continue the employment of an employee beyond the age of seventy, under the provision of section 97B.46, Code of Iowa, he shall notify the director to this effect no later than ten days prior to the date the employee attains the age of seventy.

c. Retirements shall be reported to the director on prescribed forms, no later than the effective date of the retirement.

11.2(62GA, ch.95) Disciplinary actions. The appointing authority may initiate disciplinary action against any employee for cause as stipulated in subsection 16, section 9, and sections 18 and 19 of chapter 95, Acts of the 62nd General Assembly.

11.2(1) Reprimand. An appointing authority may, for cause, reprimand an employee. Such reprimand shall be in writing and addressed to the employee, a copy of which shall, at the same time, be forwarded to the director, who shall maintain same as a confidential record unless a valid appeal is filed. Reprimands may not be appealed to the commission; however, the employee may file a written

response to the cause or causes given for the reprimand. Such written response shall be attached to the copies of the reprimand on file with the appointing authority and the director.

11.2(2) *Suspension.*

a. An appointing authority may, for cause, suspend an employee without pay for a period or periods not exceeding thirty days in any twelve-month period; however, no single suspension shall be for more than fifteen days. Such suspension may be made effective only by written notice to the employee. Not later than twenty-four hours after the time the suspension is made effective, the appointing authority shall provide the employee with a written statement of the cause or causes for and the duration of the suspension, a copy of which shall at the same time be forwarded to the director, who shall maintain same as a confidential record unless a valid appeal is filed.

b. Any employee who is arrested for violation of law, other than for a traffic charge, and is imprisoned pending trial or released on bail pending a trial may be suspended by the appointing authority until such time as a judgment is rendered by the court. When the court renders a decision, the appointing authority shall determine whether the employee shall be returned to duty or discharged.

c. Any employee who is suspended shall have the right to file with the appointing authority and the director a written response to the cause or causes given for suspension. Such written response shall be attached to the copies of the statement of cause or causes for suspension on file with the appointing authority and the director.

d. A permanent employee who is suspended for more than fifteen days at one time or more than thirty days in a twelve-month period may appeal his suspension in accordance with the provision of rule 12.2 of these rules.

11.2(3) *Reduction within pay grade.*

a. An appointing authority may, for cause, reduce the pay of an employee to a lower step within the pay grade. Such reduction in pay may be effected only by written notice to the employee. Not later than twenty-four hours after the effective date of the reduction in pay, the appointing authority shall provide the employee with a written statement of the

cause or causes for and the duration of the reduction in pay, a copy of which shall at the same time be forwarded to the director, who shall maintain same as a confidential record unless a valid appeal is filed.

b. Any employee shall have the right to file with the appointing authority and the director a written response to the cause or causes given for reduction in pay. Such written response shall be attached to the copies of the statement of cause or causes for reduction on file with the appointing authority and the director.

c. A permanent employee who is reduced in pay may appeal a reduction in pay in accordance with the provisions of rule 12.2 of these rules.

11.2(4) *Demotion.*

a. An appointing authority may, for cause, demote an employee. A written notice of demotion shall be furnished the employee and a copy filed with the director at least ten days prior to the effective date of the action. Not later than twenty-four hours after the effective date of the demotion, the appointing authority shall provide the employee with a written statement of the cause or causes for the demotion, a copy of which shall at the same time be forwarded to the director, who shall maintain same as a confidential record unless a valid appeal is filed. However, no such demotion shall be made as a disciplinary action unless the employee is certified by the director as being eligible for appointment to the lower class, nor shall such demotion be made if any permanent employee in the lower class will be laid off by reason of the action.

b. Any employee shall have the right to file with the appointing authority and the director a written response to the cause or causes given for demotion. Such written response shall be attached to the copies of the statement of cause or causes for demotion on file with the appointing authority and the director.

c. A permanent employee who is demoted may appeal a demotion in accordance with the provisions of rule 12.2 of these rules.

11.2(5) *Discharge.*

a. An appointing authority may, for cause, discharge an employee. A written notice of discharge shall be furnished the employee and a copy filed with the director at least ten days prior to the ef-

fective date of the action. Not later than twenty-four hours after the effective date of the discharge the appointing authority shall provide the employee with a written statement of the cause or causes for discharge, a copy of which shall at the same time be filed with the director.

b. Any employee shall have the right to file with the appointing authority a written response to the cause or causes

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given for discharge. Such written response, or copies thereof, shall be attached to the copies of the statement of cause or causes for discharge on file with the appointing authority and the director.

c. Any permanent employee who is discharged may appeal a discharge in accordance with rule 12.2 of these rules.

[See notes at the end of ch. 12]

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(continued)

CHAPTER 12

APPEALS

[Filed July 14, 1969]

12.1(62GA, ch.95) Appeal of position allocation. Appeals to review position allocations shall be made in accordance with provisions of sections 3.11 and 3.12 of these rules.

12.2(62GA, ch.95) Appeal of suspension, reduction in pay, demotion or discharge. A permanent employee may appeal the following disciplinary actions:

12.2(1) A suspension which exceeds fifteen days at one time or which exceeds thirty days in a twelve-month period.

12.2(2) A reduction in pay within the pay grade.

12.2(3) A demotion to a lower class.

12.2(4) A discharge from the classified service.

Appeals shall be made in accordance with the provisions of this chapter.

12.3(62GA, ch.95) Appeal filing procedure. A permanent employee who elects to initiate an appeal of a disciplinary action shall first appeal to the appointing authority for review of the action. If the decision of the appointing authority is not satisfactory, or if the decision is not rendered within the time prescribed, the employee may appeal to the commission for review of the action taken by the appointing authority.

12.3(1) Procedure for filing appeals to the appointing authority. No later than ten days after the effective date of the disciplinary action, the employee may file an appeal to the appointing authority to review the action. Such appeal shall:

a. Be in writing and be addressed to the appointing authority.

b. Set forth the basis for the appeal.

c. Be over the signature of the employee.

If the employee elects not to file an appeal to the appointing authority, or fails to file such appeal within the period prescribed herein, he shall forfeit any right of appeal to the commission.

12.3(2) Procedure for filing appeals to the commission. If a permanent employee is dissatisfied with the decision rendered by the appointing authority as a result of an appeal to review a disciplinary action, or if the appointing authority fails to render a decision within twenty-three days after the effective date of the action, he may appeal to the commission to review the action of the appointing authority. Such appeal shall:

a. Be in writing and addressed to the director.

b. Set forth the basis for the appeal.

c. Be over the signature of the employee.

If the employee elects not to file an appeal to the appointing authority, or fails to file such appeal within the period prescribed herein, he shall forfeit any right of appeal to the commission.

12.4(62GA, ch.95) Processing appeals to the appointing authority. Upon receipt of a written appeal to review a disciplinary action, the appointing authority shall determine whether the appeal has been filed within the time limit prescribed in subsection 12.3(1) of these rules.

12.4(1) If the appointing authority determines that the appeal has not been filed within the prescribed time limit, he shall forthwith notify the appellant in

writing stating the basis for his decision. A copy of the employee's written appeal and the appointing authority's written notice shall at the same time be forwarded to the director. Upon request of the appellant, the director shall review the decision of the appointing authority and may approve or rescind the notice of same. Written notice of the action taken by the director shall be forwarded to the appointing authority and the appellant which shall be binding on both parties. If the notice is rescinded, the appointing authority shall proceed to process the appeal as provided in subrule 12.4(2) of these rules.

12.4(2) If the appointing authority determines that the appeal has been filed within the prescribed time limit, he shall forthwith notify the appellant in writing. The notice shall further advise the appellant of the following:

a. Whether or not additional information is needed to perfect the appeal;

b. That the appellant is to forthwith designate in writing a person of his choice, other than himself, to serve as a member of the review panel;

c. The name of a person, other than himself, designated by the appointing authority to serve as a member of the review panel;

d. That a third member of the review panel will be designated by the director;

e. The date, time and place the review panel will meet to hear the appeal.

Upon receipt of the copy of the appointing authority's notice to the appellant, the director shall forthwith designate a third person to serve as chairman of the review panel and advise both the appointing authority and the appellant of the name of the person so designated.

12.5(62GA, ch.95) Hearings by review panels. The review panel shall establish such procedures as are necessary to accomplish its purpose and which are not inconsistent with these rules. The proceedings of the review panel and the meetings held for the purpose of receiving and evaluating information, evidence and testimony of witnesses shall be closed to the public. All information, evidence and testimony of witnesses shall be received and reviewed by the full membership of the review panel. The review

panel may hear witnesses at the request of the appellant or the appointing authority and shall conduct its inquiry expeditiously and in such way as to obtain a clear understanding of the facts. No verbatim transcript shall be required, but a summary of the facts elicited shall accompany the recommendation of the review panel to the appointing authority.

12.5(1) Findings and recommendations. Within twenty days after the effective date of the disciplinary action, the review panel shall submit a report of its findings and recommendations in writing to the appointing authority. The report shall bear the signature of all concurring members of the review panel. A dissenting member of the review panel may make a separate report of his findings and recommendations in writing to the appointing authority and shall sign same.

12.5(2) Action by appointing authority. Within twenty-three days after the effective date of the disciplinary action, the appointing authority shall render a decision—sustaining, modifying, or rescinding the disciplinary action and notify the appellant in writing of the decision. The notice of the decision shall also advise the appellant of his right to continue his appeal to the commission and that such appeal shall be filed in writing with the director within thirty days after the effective date of the disciplinary action. A copy of the notice of decision of the appointing authority, the hearing summary and the recommendations of the review panel shall at the same time be forwarded to the director.

12.5(3) Action by appellant. Within thirty days after the effective date of the disciplinary action, the appellant may file an appeal to the commission to review the action of the appointing authority in accordance with subrule 12.3(2) of these rules. Failure to file such appeal within the specified time shall be construed as abandonment and waiver of right to further hearing before the commission.

12.6(62GA, ch.95) Processing appeals to the commission. Upon receipt of a written appeal to the commission to review a disciplinary action, the director shall process such appeal as provided herein.

12.6(1) Determination of validity. The director shall determine whether or not it is filed in accordance with the provisions of subrule 12.3(2) of these rules.

a. If the director finds that additional information is required to perfect an appeal, he shall allow the appellant in writing and allow him ten days to submit the information required.

b. If the director finds that the appeal has not been filed in accordance with the provisions of subrule 12.3(2) of these rules, he shall forthwith furnish written notice to the appellant, explaining why the appeal is not in order. A copy of the director's notice and the written appeal shall be forwarded to the appointing authority and each member of the commission. Upon written request, or upon its own initiative, the commission may review the director's notice and approve, amend, or rescind said notice.

c. If the director finds the appeal is in order, he shall forthwith furnish written notice to this effect to the appellant. A copy of the director's notice and the written appeal shall be forwarded to the appointing authority and each member of the commission. Any objection to the notice of the director that the appeal is in order shall be made to the director in writing and shall state the grounds for the objection. The director shall submit the notice and the objection to same to the commission for review. The commission may approve, amend, or rescind the notice.

12.6(2) Hearing date. When an appeal is determined to be in order, the director shall, with approval of the commission, establish a date for hearing the appeal within thirty days of the date the appeal was filed with the director. He shall give notice of the date of the hearing to the appointing authority and the appellant. Such notice shall advise both parties of their right to be represented by counsel. Notice in writing of election to be represented by counsel shall be given the director by the party concerned and shall include the name and mailing address of said counsel.

12.6(3) Prehearing investigation. The director shall, on behalf of the commission, cause an investigation and report to be made of the grounds for the disciplinary action. The report shall be factual and include a summary of the training, experience, work habits, employment record, and personal qualifications of the appellant, as well as facts relative to the incident or incidents which led to the disciplinary action. It shall contain no recommendation to either sustain or not sustain the disciplinary action.

a. Copies of the report shall be mailed or transmitted to the appointing authority and his counsel, if any, and the appellant and his counsel, if any. The report shall be mailed not less than fourteen days prior to the date of the hearing before the commission.

b. The appointing authority or the appellant may file written exceptions to any part or all of the factual report. Any written exceptions must be filed with the director no later than seven days prior to the date of the hearing before the commission. The director shall transmit any written exceptions filed to the other parties to whom copies of the report have been mailed or transmitted not less than five days prior to the date of the hearing before the commission. Failure of either party to file exceptions within the time prescribed herein shall be deemed as an admission by him of the facts stated in the report, unless the commission, for good cause shown, relieves him from such failure and permits him at or before the meeting to take exception to all or any part of the report.

c. The report with written exceptions, if any, shall be transmitted to each member of the commission not less than three days prior to the date of the hearing before the commission.

12.6(4) Subpoenas. Upon written request of the appointing authority or the appellant to subpoena witnesses or records, the director shall issue such subpoenas and deliver them to the requesting party who shall be responsible for service thereof.

12.7(62GA, ch.95) Hearings by the commission. Hearing before the commission shall be closed to the public unless the appellant files a written request with the director for a public hearing not less than seven days prior to the date of hearing. The director shall advise the appointing authority of the request. Hearing shall be conducted in accordance with procedures prescribed herein.

12.7(1) Oral evidence shall be taken under oath or affirmation and testimony shall be recorded verbatim. It shall be transcribed only at the request and expense of the party concerned.

12.7(2) The chairman of the commission shall state that the report prepared on behalf of the commission and any exceptions filed are received as a part of the record and shall be considered by the

commission in its deliberations. During the hearing the department staff member who prepared the factual report shall be present and may be called as a witness by either party or the commission. Persons named in the report may be called by either party or the commission as witnesses. Additional witnesses may be called by either party.

12.7(3) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination, and to impeach any witness regardless of which party first called him to testify. If the employee does not testify on his own behalf, he may be called and examined as if under cross-examination. The chairman or any member of the commission may direct questions at either party or any witness any time during the proceedings.

12.7(4) Technical rules of evidence shall not apply at the hearing which shall be conducted as informally as is compatible with the intended purpose of receiving evidence to refute or sustain the specific charges which the commission has been requested to review. However, the chairman shall restrict evidence to the scope of the charges and may disallow evidence that is purely cumulative. Since technical rules of evidence are not applicable at the hearing, it will not be necessary for either party to object to testimony presented; however, should either party feel compelled to raise an objection, the commission shall note same for consideration in its deliberations of testimony received.

12.7(5) The chairman may direct any person present to testify in a hearing whether or not such person was subpoenaed to testify.

12.7(6) The chairman shall require the maintenance of order in the hearing room, may order the exclusion of witnesses, and may expel anyone who disturbs the hearing.

12.7(7) The order of proof in the hearing shall be as follows:

a. Presentation by the appointing authority, or his counsel, of evidence in support of the charges, followed by cross-examination;

b. Presentation by the appellant, or his counsel, of such evidence as he may wish to offer in his defense, followed by cross-examination;

c. Closing statement of appointing authority;

d. Closing statement of appellant;

e. Submission of case.

12.7(8) The commission shall consider the evidence presented in executive session. If the commission finds that the disciplinary action it was requested to review was taken by the appointing authority for any political, religious, racial, national origin, sex, age or nonmerit reasons, or if the commission finds that there was no reasonable grounds for instigation of the disciplinary action commission shall order the appellant reinstated to his position, or an equal position, without loss of pay. If the commission finds that there is insufficient grounds for instigation of the disciplinary action taken, or if extenuating circumstances were brought out in testimony and evidence, it may in its discretion order the reinstatement of the appellant with full, partial, or no pay, or it may order the modification of the appointing authority's action substituting a lesser disciplinary action. A copy of the commission's order shall be forwarded to the appointing authority and the appellant and such order shall be binding on the parties concerned.

a. Upon reinstatement of an appellant by order of the commission, the employee who replaced the appellant shall be removed from the position he occupies with due regard for his rights to other employment in the classified service. Except as otherwise provided in the order of the commission, the status of the appellant reinstated shall be the same as if the disciplinary action resulting in the appeal had never taken place.

b. When an appellant is not reinstated to his position after appeal, the commission may order his name reinstated to an appropriate eligible list for a similar position other than the one from which he has been removed.

These rules [chapters 4, 8, 9, 10, 11 and 12] shall become effective on July 1, 1969, after filing in the office of the Secretary of State. [Filed July 14, 1969; See 62 GA, ch. 92, §8(7)]

Note: Filed without Attorney General's approval.

PUBLIC INSTRUCTION, BOARD OF

SCHOOL BUSES

Pursuant to authority conferred by Senate File 671, Acts of the Sixty-Third General Assembly, and for the purpose of implementing chapter 321, Code of Iowa, as amended thereby; section 23.3(285), Rules of the Department of Public Instruction, is hereby amended by inserting immediately following subparagraph (8) of paragraph "i" or subsection 23.3(16), on page 64 of the July 1968 Supplement to Iowa Departmental Rules, the following new subparagraph:

[Filed June 24, 1969]

(9) All new school buses sold within the state of Iowa from and after the effective date of this subparagraph, in lieu of meeting the specifications set forth in subparagraphs (1) through (8) hereof, shall be equipped with warning signal lamps as follows:

All such school buses shall be equipped with four alternately-flashing warning lamps at the front and four alternately-flashing warning lamps at the rear of the bus. Two of each of said sets of four lamps shall be amber in color and two shall be red in color. Said lamps shall conform to the Society of Automotive Engineers Standard "J887, July, 1964", ex-

cept that the candlepower requirement shall be two and one-half times that specified in said standard.

Installation of said lamps shall conform to said standard except that an amber signal lamp shall be located adjacent to each red signal lamp, at the same level, and at the side of the red signal lamp nearer the vertical center line of the bus. As a further exception to said standard, the system of red and amber signal lamps shall be so wired that the amber signal lamps are energized manually; and the red signal lamps are energized automatically and the amber signal lamps are de-energized automatically when the bus entrance door is opened.

The switch to actuate the amber lamps shall be installed within easy reach of the hands of the bus driver. Two indicator lights shall be located within view of the driver, one of which shall show an amber light when the amber signal lamps are flashing and the other of which shall show a red light when the red signal lamps are flashing.

The area of the bus body around the lens of each flashing signal lamp and extending outward for at least three inches shall be painted black.

[Effective June 24, 1969]