

F I N A L R E P O R T

MERIT EMPLOYMENT SUBCOMMITTEE

January, 1982

The Merit Employment Subcommittee of the Senate and House Standing Committees on State Government, the Senate Appropriations Subcommittee on State Government and the House Appropriations Subcommittee on State Departments was created by the Legislative Council to study the functions, operations and needs of the Iowa Merit Employment Department including the feasibility of combining the responsibilities of the department with an existing state agency pursuant to Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 17. The members appointed to the Subcommittee were:

Senator Forrest V. Schwengels, Co-chairperson
Representative Raymond Lageschulte, Co-chairperson
Senator C. W. Hutchins
Senator Michael Lura
Senator Charles Miller
Senator John N. Nystrom
Representative Richard L. Byerly
Representative Minnette Doderer
Representative William H. Harbor
Representative George Petrick

The Subcommittee held two meetings.

The Subcommittee held its first meeting on October 19, 1981, and received testimony from the Iowa Merit Employment Department relating to its duties and services. Director Fran Van Winkle outlined the duties of the Iowa Merit Employment Commission and the programs conducted by the Special Services Division of the Department including recruiting, employment application processing, training and staff development, Affirmative Action and Equal Employment Opportunity technical assistance, and information services. Mr. Ray Wilson explained the principal duties of the Professional Services Division which include development of job specifications and classification standards, recommendation of appropriate salary and benefit schedules, preparation and validation of written tests, and oversight of compliance in areas of classification, compensation and selection. Mr. Clint Davis explained that the Technical Services Division conducts preemployment testing, maintains and issues certified lists of eligible applicants, audits and approves payroll and position control documents, and monitors the state employee performance evaluation system. The Subcommittee also heard testimony from the

Iowa Merit Employment Department, the Office of Employee Relations, and the Iowa Department of Job Service relating to the feasibility of combining or consolidating the various state personnel functions and services into a single state agency. Ms. Colleen Shearer, Director of the Iowa Department of Job Service, testified that little would be gained by combining the Iowa Merit Employment Department and the Iowa Department of Job Service other than a "cosmetic" change. The roles, operations and constituencies of the two departments are very different so that consolidation of the two departments would not produce economies or efficiencies. The Iowa Department of Job Service does cooperate with the Iowa Merit Employment Department in carrying out the ACCESS program in which the Iowa Department of Job Service administers merit examinations at its offices throughout the state on behalf of the Iowa Merit Employment Department. Mr. Gene Vernon, Director of the Office of Employee Relations, testified that his office supports the combining of the collective bargaining functions, the traditional merit functions of the Iowa Merit Employment Department and other personnel functions such as workers' compensation for state employees currently administered by the Office of the State Comptroller, into a single comprehensive state personnel agency. Mr. Vernon also recommended that the Iowa Department of Job Service not be combined with the Office of Employee Relations or the Iowa Merit Employment Department because neither area of responsibility is within the expertise of the Iowa Department of Job Service and a conflict of interest would be created in Job Service's function as a neutral decision-maker in unemployment compensation cases.

During its second meeting on November 17, the Subcommittee received testimony from representatives of the Department of Agriculture, Department of Soil Conservation, Department of Transportation, Iowa Natural Resources Council, and Department of Social Services evaluating the operations of the Iowa Merit Employment Department as those operations relate to and affect their respective departments. The testimony supported the concept of merit or classified employment and pointed out both the achievements of the Department and the problem areas as perceived by the department heads. The Subcommittee also received testimony from two members of the Iowa Merit Employment Commission, Mr. Ivor W. Stanley and Dr. Walter B. Roettger, concerning the accomplishments of the Department in recent years and its financial needs. The Commissioners testified that the budget reductions imposed for the current fiscal year and the next fiscal year will necessitate a twenty-five percent reduction in the Department's personnel which is too severe and will produce undesirable results in the merit system. Dr. Roettger also testified that the budget reductions will postpone completion of an eight-year examination validation program which may result in the increased possibility of a major lawsuit challenging the basic equity of the merit examinations particularly in relation to female applicants and minorities. Dr. Roettger's testimony was supported by Mr. Ta-Yu Yang, a compliance officer with the Affirmative Action Division of the Iowa Civil Rights Commission, who stated that statistical

evidence suggests weaknesses in the merit testing program which could be corrected by the test validation program.

The Subcommittee recommends:

1. To the House Appropriations Subcommittee on State Departments and the Senate Appropriations Subcommittee on State Government that the appropriation for the Iowa Merit Employment Department for the fiscal year beginning July 1, 1982 be the same as the appropriation for the fiscal year beginning July 1, 1981.
2. To the Senate and House Committees on State Government a bill to provide for the negotiation and administration of collective bargaining contracts for the state by the Iowa Merit Employment Department.
3. To the Senate and House Committees on State Government the consideration of a model public personnel administration law such as the model Act proposed by the National Civil Service League to replace Chapter 19A of the Code of Iowa.

HOUSE/SENATE FILE _____

BY (MERIT EMPLOYMENT SUBCOMMITTEE
OF THE STANDING COMMITTEES ON
STATE GOVERNMENT AND THE STATE
DEPARTMENT APPROPRIATIONS SUB-
COMMITTEES)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to provide for the negotiation and administration of
2 collective bargaining contracts for the state by the Iowa
3 merit employment department.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 19A.8, Code 1981, is amended by adding
2 the following new subsection following subsection 8 and renum-
3 bering the remaining subsections:

4 NEW SUBSECTION. To establish within the department a divi-
5 sion of employment relations to negotiate and administer col-
6 lective bargaining agreements on behalf of the state, its
7 boards, commissions, agencies and departments as provided
8 in chapter 20.

9 Sec. 2. TRANSFER OF EMPLOYEES, RECORDS AND OTHER PROPERTY.

10 1. The employees of the office of employment relations
11 who are administratively attached to the office of the state
12 comptroller and responsible for the negotiation and
13 administration of collective bargaining contracts under chapter
14 20 before the effective date of this Act are transferred to
15 the division of employment relations established within the
16 Iowa merit employment department. However, an employee subject
17 to transfer under this Act whose duty assignments will be
18 terminated because of this Act may be reassigned to other
19 duties or may be transferred to the Iowa merit employment
20 department. The Iowa merit employment commission shall adopt
21 rules to carry out the reassignment or transfer and shall
22 arbitrate and decide a written appeal made by an employee
23 concerning a transfer, reassignment, or reclassification
24 made necessary by this Act. An employee shall not lose
25 benefits accrued, including but not limited to salary,
26 retirement, vacation, or sick leave, because of the transfer
27 or reassignment.

28 2. The records, equipment, other property, and funds
29 appropriated to the office of the state comptroller to fund
30 the duties and responsibilities of the office of employment
31 relations under chapter 20 are transferred to the Iowa merit
32 employment department to carry out the requirements of section
33 1 of this Act.

34

EXPLANATION

35 This bill provides for the establishment of a division

1 of employment relations within the Iowa merit employment
2 department to negotiate and administer collective bargaining
3 contracts on behalf of the state. The bill also transfers
4 the records, equipment, funds and personnel of the office
5 of employment relations which is administratively attached
6 to the office of state comptroller before the effective date
7 of this Act to the Iowa merit employment department.

8 This bill takes effect July 1 following its enactment.

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