

5- 3/20/97 Business + Labor
5- 3/31/97 Do Pass

FEB 28 1997
Place On Calendar

HOUSE FILE 401
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 90)

Passed House, ^(p.706) Date 3/20/97 Passed Senate, ^(p.991) Date 4-7-97
Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 0
Approved April 11, 1997

A BILL FOR

1 An Act relating to state government personnel procedures
2 including job classifications, pay plans, employee recall from
3 layoff, and abolishing the personnel commission.

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

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HF 401

1 Section 1. Section 19A.1, subsection 3, paragraph a, Code
2 1997, is amended by striking the paragraph.

3 Sec. 2. Section 19A.2, subsection 2, Code 1997, is amended
4 by striking the subsection.

5 Sec. 3. Section 19A.9, unnumbered paragraph 1, Code 1997,
6 is amended to read as follows:

7 The ~~personnel-commission~~ director shall adopt and may amend
8 rules for the administration and implementation of this
9 chapter in accordance with chapter 17A. ~~The-director-shall~~
10 ~~prepare-and-submit-proposed-rules-to-the-commission.~~

11 Rulemaking shall be carried out with due regard to the terms
12 of collective bargaining agreements. A rule shall not
13 supersede a provision of a collective bargaining agreement
14 negotiated under chapter 20. The rules shall provide:

15 Sec. 4. Section 19A.9, subsections 1, 2, 14, 16, and 23,
16 Code 1997, are amended by striking the subsections and
17 inserting in lieu thereof the following:

18 1. For the preparation, maintenance, and revision of a job
19 classification plan that encompasses each job in the executive
20 branch, excluding job classifications under the state board of
21 regents, based upon assigned duties and responsibilities, so
22 that the same general qualifications may reasonably be
23 required for and the same pay plan may be equitably applied to
24 all jobs in the same job classification. The director shall
25 classify the position of every employee in the executive
26 branch, excluding employees of the state board of regents,
27 into one of the classes in the plan. An appointing authority
28 or employee adversely affected by a job classification or
29 reclassification may file an appeal with the director. The
30 classification or reclassification of a position that would
31 cause the expenditure of additional salary funds shall not
32 become effective if the expenditure of funds would be in
33 excess of the total amount budgeted for the department of the
34 appointing authority until budgetary approval has been
35 obtained from the director of the department of management.

1 When the public interest requires a diminution or increase
2 of employees in any position or type of employment not
3 otherwise provided by law, or the creation or abolishment of
4 any position or type of employment, the director, acting in
5 good faith, shall so notify the governor. Thereafter, the
6 position or type of employment shall stand abolished or
7 created and the number of employees therein reduced or
8 increased.

9 2. For pay plans covering all employees in the executive
10 branch of state government, excluding employees of the state
11 board of regents, after consultation with the governor and
12 appointing authorities, and consistent with the terms of
13 collective bargaining agreements negotiated under chapter 20.

14 14. For layoffs by reason of lack of funds or work, or
15 organization, and for the recall of employees so laid off,
16 giving primary consideration in layoffs to the performance
17 record and secondary consideration to the length of service.
18 An employee who has been laid off may be on a recall list for
19 one year, which list shall be exhausted by the agency
20 enforcing the layoff before selection of an employee may be
21 made from the promotional or nonpromotional list of eligibles
22 in the employee's classification. Employees who are subject
23 to contracts negotiated under chapter 20 which include layoff
24 and recall provisions shall be governed by the contract
25 provisions.

26 16. For discharge, suspension, or reduction in job
27 classification or pay grade for any of the following causes:
28 failure to perform assigned duties; inadequacy in performing
29 assigned duties; negligence; inefficiency; incompetence;
30 insubordination; unrehabilitated alcoholism or narcotics
31 addiction; dishonesty; unlawful discrimination; failure to
32 maintain a license, certificate, or qualification necessary
33 for a job classification or position; any act or conduct which
34 adversely affects the employee's performance or the employing
35 agency; or any other good cause for discharge, suspension, or

1 reduction. The person discharged, suspended, or reduced shall
2 be given a written statement of the reasons for the discharge,
3 suspension, or reduction within twenty-four hours after the
4 discharge, suspension, or reduction. All persons concerned
5 with the administration of this chapter shall use their best
6 efforts to insure that this chapter and the rules adopted
7 hereunder shall not be a means of protecting or retaining
8 unqualified or unsatisfactory employees, and shall discharge,
9 suspend, or reduce in job classification or pay grade all
10 employees who should be discharged, suspended, or reduced for
11 any of the causes stated in this subsection.

12 23. For the establishment of work test appointments to job
13 classifications such as laborers, attendants, aides, food
14 service workers, laundry workers, custodial workers, or
15 similar types of employment when the character of the work
16 makes it impracticable to effectively supply the needs of the
17 departments by written or other type of competitive
18 examination. If this subsection conflicts with any other
19 provisions of this chapter, the provisions of this subsection
20 govern the positions to which it applies. All persons
21 appointed to the positions specified in this subsection shall
22 serve a probationary period in accordance with this chapter,
23 may acquire permanent status, and are subject to the same
24 rules as other employees. Such persons shall be required to
25 pass promotional examinations as prescribed by this chapter
26 and the rules adopted by the director before they may be
27 promoted to a higher classification.

28 Sec. 5. Section 19A.16, Code 1997, is amended to read as
29 follows:

30 19A.16 SERVICES TO POLITICAL SUBDIVISIONS.

31 ~~Subject-to-the-rules-approved-by-the-commission,--the~~ The
32 director may enter into agreements with any municipality or
33 political subdivision of the state to furnish services and
34 facilities of the agency to ~~such~~ the municipality or political
35 subdivision ~~in-the-administration-of-its-personnel-on-merit~~

1 principles. Any-such The agreement shall provide for the
2 reimbursement to the state of the reasonable cost of the
3 services and facilities furnished. All municipalities and
4 political subdivisions of the state are authorized to enter
5 into such agreements.

6 Nothing in this chapter shall affect any municipal civil
7 service programs presently established under and pursuant to
8 ~~the-provisions-of~~ chapter 400.

9 Sec. 6. Section 19A.18, unnumbered paragraphs 6 and 7,
10 Code 1997, are amended to read as follows:

11 Any officer or employee ~~in-the-merit-system~~ who violates
12 any of the provisions of this section shall be subject to
13 suspension, dismissal, or demotion subject to the right of
14 appeal herein.

15 The ~~commission~~ director shall adopt any rules necessary for
16 further restricting political activities of ~~persons-holding~~
17 ~~positions-in-the-classified-service~~ employees in the executive
18 branch, but only to the extent necessary to comply with
19 federal standards. Employees retain the right to vote as they
20 please and to express their opinions on all subjects.

21 Sec. 7. Section 70A.1, unnumbered paragraphs 1 and 7, Code
22 1997, are amended to read as follows:

23 Salaries specifically provided for in an appropriation Act
24 of the general assembly shall be in lieu of existing statutory
25 salaries, for the positions provided for in the Act, and all
26 salaries, including longevity where applicable by express
27 provision in the Code, shall be paid according to the
28 provisions of chapter 91A and shall be in full compensation of
29 all services, including any service on committees, boards,
30 commissions or similar duty for Iowa government, except for
31 members of the general assembly. A state employee on an
32 annual salary shall not be paid for a pay period an amount
33 which exceeds the employee's annual salary transposed into a
34 rate applicable to the pay period by dividing the annual
35 salary by the number of pay periods in the fiscal year.

1 Salaries for state employees ~~other-than-annual-salaries~~
2 covered by the overtime payment provisions of the federal Fair
3 Labor Standards Act shall be established on an hourly basis.

4 State employees, excluding state board of regents' faculty
5 members with nine-month appointments, and employees covered
6 under a collective bargaining agreement negotiated with the
7 public safety bargaining unit who are eligible for accrued
8 vacation benefits and accrued sick leave benefits, who have
9 accumulated thirty days of sick leave, and who do not use sick
10 leave during a full month of employment may elect to accrue up
11 to one-half day of additional vacation. The accrual of
12 additional vacation time by an employee for not using sick
13 leave during a month is in lieu of the accrual of up to one
14 and one-half days of sick leave for that month. The ~~personnel~~
15 commission director of the department of personnel may adopt
16 the necessary rules and procedures for the implementation of
17 this program for all state employees except employees of the
18 state board of regents. The state board of regents may adopt
19 necessary rules for the implementation of this program for its
20 employees.

21 Sec. 8. Section 70A.16, subsection 2, unnumbered paragraph
22 1, Code 1997, is amended to read as follows:

23 A state employee who is reassigned shall be reimbursed for
24 moving expenses incurred in accordance with rules and policies
25 adopted by the director of the department of personnel
26 ~~commission~~ when all of the following circumstances exist:

27 Sec. 9. Section 137.6, subsection 4, Code 1997, is amended
28 to read as follows:

29 4. Employ persons as necessary for the efficient discharge
30 of its duties. Employment practices shall meet the
31 requirements of ~~the-personnel-commission~~ chapter 19A or any
32 civil service provision adopted under chapter 400.

33 Sec. 10. Sections 19A.4, 19A.6, and 19A.7, Code 1997, are
34 repealed.

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EXPLANATION

1 This bill provides for changes relating to state government
2 personnel procedures. The bill abolishes the personnel
3 commission and transfers the commission's responsibilities to
4 the director of the department of personnel. The director
5 shall have the authority previously held by the commission to
6 adopt and amend rules necessary for the administration and
7 implementation of chapter 19A. Regarding job classification
8 rulemaking, the bill substitutes the word "job" for "position"
9 with reference to employment classifications within the
10 executive branch of state government, exclusive of the state
11 board of regents. The bill provides for appealing job
12 classification or reclassification actions to the director.
13 The bill provides that classifications or reclassifications
14 resulting in the expenditure of additional salary funds in
15 excess of a department's total budget shall not become
16 effective until budgetary approval has been obtained from the
17 director of the department of management. The bill provides
18 that the director shall notify the governor when a diminution
19 or increase of employees, or creation or elimination of a
20 position or type of employment, is required in the public
21 interest. Previously, the governor notified the personnel
22 commission of this occurrence. Additionally, a provision for
23 annual review by the governor of schedules of positions and
24 types of employment not otherwise provided for by law is
25 eliminated.

26 Under the bill, rules may be made by the director relating
27 to pay plans covering executive branch employees, exclusive of
28 the state board of regents, which are consistent with
29 collective bargaining agreement terms.

30 The bill makes changes in terminology only, applicable to
31 rules concerning the recall of employees after layoffs, and
32 adds to the list of causes of employee discharge, suspension,
33 or reduction in job classification or pay grade for which
34 rules may be developed. A previous requirement that a copy of
35 a written statement of the reasons for employee discharge,

1 suspension, or reduction be provided the director is
2 eliminated. The bill deletes some job titles that are no
3 longer used.

4 The bill modifies Code section 19A.16, concerning services
5 to political subdivisions consistent with the elimination of
6 the personnel commission. Provisions in Code section 19A.18
7 concerning merit system references are amended to include all
8 executive branch employees. Additionally, the bill adds
9 language to Code section 70A.1 providing that salaries for
10 state employees covered by the overtime payment provisions of
11 the federal Fair Labor Standards Act shall be established on
12 an hourly basis and making additional changes consistent with
13 the elimination of the personnel commission.

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Kramer, Ch
Holmes
Taylor

HSB 90
LABOR & INDUSTRIAL RELATIONS

Succeeded By
SF (HF) 401

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PERSONNEL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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19 one year, which list shall be exhausted by the agency
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11 to one-half day of additional vacation. The accrual of
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14 and one-half days of sick leave for that month. The ~~personnel~~
15 commission director of the department of personnel may adopt
16 the necessary rules and procedures for the implementation of
17 this program for all state employees except employees of the
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8 executive branch employees. Additionally, the bill adds
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HOUSE FILE 401

AN ACT

RELATING TO STATE GOVERNMENT PERSONNEL PROCEDURES
INCLUDING JOB CLASSIFICATIONS, PAY PLANS, EMPLOYEE
RECALL FROM LAYOFF, AND ABOLISHING THE PERSONNEL
COMMISSION.

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

Section 1. Section 19A.1, subsection 3, paragraph a, Code 1997, is amended by striking the paragraph.

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When the public interest requires a diminution or increase of employees in any position or type of employment not otherwise provided by law, or the creation or abolishment of any position or type of employment, the director, acting in good faith, shall so notify the governor. Thereafter, the position or type of employment shall stand abolished or created and the number of employees therein reduced or increased.

2. For pay plans covering all employees in the executive branch of state government, excluding employees of the state board of regents, after consultation with the governor and appointing authorities, and consistent with the terms of collective bargaining agreements negotiated under chapter 20.

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16. For discharge, suspension, or reduction in job classification or pay grade for any of the following causes: failure to perform assigned duties; inadequacy in performing assigned duties; negligence; inefficiency; incompetence; insubordination; unrehabilitated alcoholism or narcotics addiction; dishonesty; unlawful discrimination; failure to maintain a license, certificate, or qualification necessary for a job classification or position; any act or conduct which adversely affects the employee's performance or the employing agency; or any other good cause for discharge, suspension, or reduction. The person discharged, suspended, or reduced shall be given a written statement of the reasons for the discharge, suspension, or reduction within twenty-four hours after the discharge, suspension, or reduction. All persons concerned with the administration of this chapter shall use their best efforts to insure that this chapter and the rules adopted hereunder shall not be a means of protecting or retaining unqualified or unsatisfactory employees, and shall discharge, suspend, or reduce in job classification or pay grade all employees who should be discharged, suspended, or reduced for any of the causes stated in this subsection.

23. For the establishment of work test appointments to job classifications such as laborers, attendants, aides, food service workers, laundry workers, custodial workers, or similar types of employment when the character of the work makes it impracticable to effectively supply the needs of the departments by written or other type of competitive examination. If this subsection conflicts with any other provisions of this chapter, the provisions of this subsection govern the positions to which it applies. All persons appointed to the positions specified in this subsection shall serve a probationary period in accordance with this chapter, may acquire permanent status, and are subject to the same rules as other employees. Such persons shall be required to pass promotional examinations as prescribed by this chapter

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Sec. 5. Section 19A.16, Code 1997, is amended to read as follows:

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~~Subject to the rules approved by the commission, the~~ The director may enter into agreements with any municipality or political subdivision of the state to furnish services and facilities of the agency to such the municipality or political subdivision ~~in the administration of its personnel on merit principles.~~ Any such ~~The~~ agreement shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

Nothing in this chapter shall affect any municipal civil service programs presently established under and pursuant to ~~the provisions of~~ chapter 400.

Sec. 6. Section 19A.18, unnumbered paragraphs 6 and 7, Code 1997, are amended to read as follows:

Any officer or employee ~~in the merit system~~ who violates any of the provisions of this section shall be subject to suspension, dismissal, or demotion subject to the right of appeal herein.

The ~~commission~~ director shall adopt any rules necessary for further restricting political activities of ~~persons holding positions in the classified service~~ employees in the executive branch, but only to the extent necessary to comply with federal standards. Employees retain the right to vote as they please and to express their opinions on all subjects.

Sec. 7. Section 70A.1, unnumbered paragraphs 1 and 7, Code 1997, are amended to read as follows:

Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in the Act, and all

salaries, including longevity where applicable by express provision in the Code, shall be paid according to the provisions of chapter 91A and shall be in full compensation of all services, including any service on committees, boards, commissions or similar duty for Iowa government, except for members of the general assembly. A state employee on an annual salary shall not be paid for a pay period an amount which exceeds the employee's annual salary transposed into a rate applicable to the pay period by dividing the annual salary by the number of pay periods in the fiscal year. Salaries for state employees ~~other than annual salaries covered by the overtime payment provisions of the federal Fair Labor Standards Act~~ shall be established on an hourly basis.

State employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated thirty days of sick leave, and who do not use sick leave during a full month of employment may elect to accrue up to one-half day of additional vacation. The accrual of additional vacation time by an employee for not using sick leave during a month is in lieu of the accrual of up to one and one-half days of sick leave for that month. The ~~personnel commission~~ director of the department of personnel may adopt the necessary rules and procedures for the implementation of this program for all state employees except employees of the state board of regents. The state board of regents may adopt necessary rules for the implementation of this program for its employees.

Sec. 8. Section 70A.16, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A state employee who is reassigned shall be reimbursed for moving expenses incurred in accordance with rules and policies adopted by the director of the department of personnel ~~commission~~ when all of the following circumstances exist:

Sec. 9. Section 137.6, subsection 4, Code 1997, is amended to read as follows:

4. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of ~~the personnel commission~~ chapter 19A or any civil service provision adopted under chapter 400.

Sec. 10. Sections 19A.4, 19A.6, and 19A.7, Code 1997, are repealed.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 401, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved , 1997

TERRY E. BRANSTAD
Governor