

Senate File 2054 - Introduced

SENATE FILE 2054

BY JOCHUM

A BILL FOR

1 An Act relating to confidential employees under the state
2 merit system and including effective date and retroactive
3 applicability provisions.

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

1 Section 1. Section 8A.412, subsection 16, Code 2014, is
2 amended to read as follows:

3 16. All confidential employees as defined in section
4 8A.412A.

5 Sec. 2. NEW SECTION. 8A.412A Confidential employee defined.

6 1. For an employee hired before December 19, 2012,
7 "*confidential employee*" pursuant to section 8A.412, subsection
8 16, means the personal secretary of an elected official of
9 the executive branch or a person appointed to fill a vacancy
10 in an elective office, the chair of a full-time board or
11 commission, or the director of a state agency; as well as the
12 nonprofessional staff in the office of the auditor of state,
13 and the nonprofessional staff in the department of justice
14 except those reporting to the administrator of the consumer
15 advocate division.

16 2. For an employee hired on or after December 19, 2012,
17 "*confidential employee*" pursuant to section 8A.412, subsection
18 16, means the same as provided in subsection 1, except for
19 an employee notified in writing before the employee accepts
20 employment that the employee will be excluded from the merit
21 system due to the employee's status as a confidential employee.

22 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
25 retroactively to January 1, 2013.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 Current law provides that confidential employees are
30 excluded from the state merit system. This bill provides
31 that the definition of "*confidential employee*" established
32 by rule before December 19, 2012, applies to employees hired
33 before that date. That definition stated that "*confidential*
34 *employee*" means the personal secretary of an elected official
35 of the executive branch or a person appointed to fill a vacancy

1 in an elective office, the chair of a full-time board or
2 commission, or the director of a state agency; as well as the
3 nonprofessional staff in the office of the auditor of state,
4 and the nonprofessional staff in the department of justice
5 except those reporting to the administrator of the consumer
6 advocate division.

7 The bill provides that the same definition applies to
8 employees hired on or after December 19, 2012, except for
9 an employee notified in writing before the employee accepts
10 employment that the employee will be excluded from the
11 merit system due to the employee's status as a confidential
12 employee. Effective December 19, 2012, department of
13 administrative services rules contain an additional definition
14 of "confidential employee" for an employee who is in a
15 confidential relationship with a director, chief deputy
16 administrative officer, division administrator, or a similar
17 position, and at the same time is a part of the management
18 team, legal team, or both, of that director, chief deputy
19 administrative officer, division administrator, or similar
20 position.

21 The bill takes effect upon enactment. The bill applies
22 retroactively to January 1, 2013.