

**Senate File 2244 - Introduced**

SENATE FILE 2244  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 2054)

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

15 2. However, "*confidential employee*" pursuant to section  
16 8A.412, subsection 16, shall be defined by the department by  
17 rule for an employee hired on or after December 19, 2012, as  
18 notified in writing before the employee accepts employment that  
19 the employee may be excluded from the merit system due to the  
20 employee's status as a confidential employee.

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

23 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
24 retroactively to December 19, 2012.

25 EXPLANATION

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

28 Current law provides that confidential employees are  
29 excluded from the state merit system. This bill provides  
30 that the definition of "confidential employee" established  
31 by rule before December 19, 2012, applies to such employees.  
32 That definition stated that "confidential employee" means the  
33 personal secretary of an elected official of the executive  
34 branch or a person appointed to fill a vacancy in an elective  
35 office, the chair of a full-time board or commission, or the

1 director of a state agency; as well as the nonprofessional  
2 staff in the office of the auditor of state, and the  
3 nonprofessional staff in the department of justice except  
4 those reporting to the administrator of the consumer advocate  
5 division.

6 The bill directs the department of administrative services  
7 to define "confidential employee" by rule for an employee  
8 hired on or after December 19, 2012, as notified in writing  
9 before the employee accepts employment that the employee may be  
10 excluded from the merit system due to the employee's status as  
11 a confidential employee.

12 Effective December 19, 2012, department of administrative  
13 services rules have contained 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 December 19, 2012.