

**Senate File 2202 - Introduced**

SENATE FILE 2202

BY PETERSEN

**A BILL FOR**

1 An Act concerning department of administrative services'  
2 procedures regarding the designation of individuals as  
3 ineligible for state employment and sanctions for violations  
4 of competitive bidding procedures.

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

1 Section 1. Section 8A.311, Code 2016, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 23. The director shall establish by rule  
4 sanctions for violations of competitive bidding procedures  
5 including but not limited to requirements governing the bidding  
6 process for a particular procurement or contract. Sanctions  
7 shall include fines and, for an employee of an agency, possible  
8 suspension, dismissal, or demotion.

9 Sec. 2. NEW SECTION. **8A.403 State agency employment —**  
10 **designation-of-ineligibility procedures.**

11 1. The department may designate an individual as ineligible  
12 to apply for; to be considered, referred, or approved for; or  
13 to be appointed to employment by a state agency for any of the  
14 following reasons:

15 a. The individual knowingly misrepresented the facts when  
16 submitting information relating to an application, examination,  
17 certification, appeal, or any other facet of the selection  
18 process for employment by a state agency.

19 b. The individual used or attempted to use coercion,  
20 bribery, or other illegal means to secure an advantage in the  
21 application, examination, appeal, or selection process for  
22 employment by a state agency.

23 c. The individual was convicted of a crime that is shown to  
24 have a direct relationship to the duties of the job class or  
25 position for which the individual wishes to be considered.

26 d. The individual is proven to be an unrehabilitated  
27 substance abuser who would be unable to perform the duties of  
28 the job class or position for which the individual wishes to be  
29 considered or who would constitute a threat to state property  
30 or to the safety of others.

31 e. The individual is not a United States citizen and  
32 does not have a valid permit to work in the United States  
33 under regulations issued by the United States citizenship and  
34 immigration services.

35 f. The individual was terminated from employment by a state

1 agency for creating a hostile work environment.

2 *g.* The individual was sanctioned pursuant to rules adopted  
3 by the director pursuant to section 8A.311 for a violation of  
4 competitive bidding procedures including but not limited to  
5 requirements governing the bidding process for a particular  
6 procurement or contract.

7 2. The department shall do all of the following upon a  
8 determination that an individual is ineligible as provided in  
9 subsection 1:

10 *a.* Notify the individual in writing within five working  
11 days following the designation of ineligibility for employment  
12 by a state agency. The notification shall include information  
13 regarding the extent of the individual's ineligibility and the  
14 process for the individual to appeal, remove, or modify the  
15 designation of ineligibility.

16 *b.* Maintain documentation of the designation of  
17 ineligibility, the extent of the individual's ineligibility  
18 for employment by a state agency, proof of notification of  
19 the individual, and any information concerning any appeals  
20 regarding the designation.

21 *c.* Upon request by an individual determined to be  
22 ineligible, review whether the designation of ineligibility of  
23 the individual should be removed or modified and to notify the  
24 individual, in writing, if the designation of ineligibility is  
25 removed or modified.

26 3. An individual designated as ineligible as provided by  
27 this section may file a written appeal to the employment appeal  
28 board in the department of inspections and appeals for a review  
29 of the action. The written appeal must be filed with the board  
30 within sixty days following the notice of initial designation  
31 of ineligibility.

32 4. The department shall adopt rules pursuant to chapter  
33 17A to administer this section including establishment of a  
34 procedure for an individual, following the time for filing an  
35 appeal, to apply to the department for removal or modification

1 of a designation of ineligibility.

2 Sec. 3. DESIGNATION OF INELIGIBILITY — NOTIFICATION  
3 REQUIREMENTS. Individuals designated as ineligible to apply  
4 for; to be considered, referred, or approved for; or to  
5 be appointed to employment by a state agency, prior to the  
6 effective date of this Act, shall be notified, in writing, by  
7 the department of administrative services that they have been  
8 designated as ineligible and of their rights relative to that  
9 designation as provided in this Act.

10 EXPLANATION

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

13 This bill concerns procedures of the department of  
14 administrative services (DAS) relating to sanctions for  
15 violations of competitive bidding procedures and state employee  
16 hiring.

17 Code section 8A.311, concerning competitive bidding  
18 procedures, is amended to require the director of DAS to  
19 establish sanctions for violations of competitive bidding  
20 procedures. The bill provides that sanctions shall include  
21 fines and, for state agency employees, possible suspension,  
22 dismissal, or demotion.

23 New Code section 8A.403 requires DAS to establish procedures  
24 for designating an individual as ineligible to apply for or to  
25 be considered or approved for or appointed to employment with a  
26 state agency. The bill describes the permissible reasons for  
27 designating an individual as ineligible, provides for notice  
28 to the individual within five days following the designation  
29 of ineligibility, and requires that documentation of the  
30 designation be maintained by DAS.

31 The bill provides for the ability of an individual to  
32 appeal the designation of ineligibility and for the ability  
33 of the individual to request that the department review the  
34 designation of ineligibility.

35 The bill also provides that individuals designated as

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1 ineligible as of the effective date of the bill be notified  
2 of this designation by the department in writing and of their  
3 rights under the bill.