

CHAPTER 5  
RECRUITMENT, APPLICATION AND EXAMINATION  
[Prior to 11/5/86, Merit Employment Department (570)]

**581—5.1(19A) Recruitment.** Classes may be opened for recruitment of applicants not employed by the state when considered necessary by the director.

**5.1(1) *Open recruitment announcements.*** The director shall give public notice of classes opened for recruitment of persons who are not permanent employees. Classes will remain open for a minimum of 15 calendar days following the announcement date. Recruitment may be limited to a specific geographic area or a specific selective background area. Recruitment announcements shall be posted in state agencies and in job service division offices. Copies may also be sent to newspapers, radio stations, educational institutions, professional and vocational associations, and other recruitment sources.

**5.1(2) *Promotional recruitment announcements.*** Announcements of promotional opportunities shall be posted on bulletin boards and in other conspicuous places throughout the agency involved, and reasonable steps shall be taken by the appointing authority to bring these announcements to the attention of all agency employees. Persons who are permanent employees may apply for promotional opportunities.

**5.1(3) *Content of announcements.*** Announcements shall specify the class title, salary range, method for making application, closing date for receiving applications, and peculiar availability requirements or selective background requirements if necessary. Announcements for continuous recruitment shall include a statement indicating that applications will be accepted until further notice.

**5.1(4) *Coordinated announcements and advertising.*** The appointing authority shall send to the director copies of all advertisements announcing employment opportunities to be placed in any publication, and any additional information required by the director. The appointing authority shall also comply with any policies established by the director regarding coordinated advertising to reduce state advertising costs.

**581—5.2(19A) Applications.**

**5.2(1) *Applicant information.*** Applicant information shall be on forms prescribed by the director. In addition, the director may require an applicant to submit documented proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state law, these rules, or the class specification.

**5.2(2) *Verifying applicant information.*** The director may verify statements contained in an application and seek further information concerning an applicant's qualifications. If information is obtained which affects an applicant's standing, the director shall make the necessary adjustment.

**5.2(3) *Applicant files.*** Applications for employment and necessary related materials will be placed in the applicant files in the department and retained for no less than one year. Applications for classes which result in the hire of the applicant will be placed in the employee files in the department and retained for no less than the period of employment.

**5.2(4) *Application for eligible lists.*** Applicants may apply to be on eligible lists as follows:

**a. *Promotional lists.*** Permanent employees and persons enrolled in work experience programs approved by the director may make application to be on promotional lists. Permanent employees may apply at any time. Work experience persons may apply following a qualifying period of service with the state. Applicants shall meet the minimum qualifications, but will not be subject to written examination or evaluation of education and experience. Applicants may be subject to required performance examinations.

**b. *Nonpromotional lists.*** Persons other than permanent employees may make application to be on nonpromotional lists. The following may apply to be on nonpromotional lists at any time:

1. Persons laid off and eligible for recall;
2. Judicial branch employees;
3. Legislative branch employees;

4. Probationary or provisional probationary employees;
5. Intermittent or provisional intermittent employees;
6. Seasonal, emergency, trainee or intern employees, or volunteers (including persons enrolled in work experience programs), following a qualifying period of service with the state.

All other applicants may apply to be on nonpromotional lists only when the job class is open for recruitment.

**5.2(5) Application pending license or graduation.** An applicant currently enrolled in an educational institution who does not meet the minimum education or license requirements may be placed on the appropriate eligible list provided the applicant will meet the requirements within eight months. If certified in the top six available scores, the applicant may be selected for employment, but may not be appointed until all requirements are met.

**5.2(6) Disqualifications of applicants.** The director may refuse to place an applicant on a list of eligibles, refuse to certify an applicant, or void an applicant's appointment if it is found that the applicant:

- a. Does not meet the minimum qualifications or special requirements for the job class as provided for in the specification, department rule, or law.
- b. Is shown to be so disabled that the duties of the position to which certified could not be successfully performed. Before removal, competent medical or other suitable proof will be required showing that work situation modifications are not feasible.
- c. Has knowingly made a false statement of facts on the application which led to erroneous qualification or to an inaccurate score.
- d. Has used coercion or bribery to secure an advantage in the selection process.
- e. Has obtained examination information to which applicants are not entitled.
- f. Has failed to submit the application within the designated time limits on the announcement.
- g. Was previously dismissed for just cause from a position in state government and the dismissal is shown to adversely affect the person's ability to successfully perform the duties of the job class.
- h. Has been convicted of a felony that is shown to have a direct relationship to the duties of the job class.
- i. Is proven to be an unrehabilitated substance abuser who would be unable to perform the duties of the job class or who would constitute a direct threat to state property or to the safety of others.
- j. Is not a United States citizen and does not have a valid permit to work in the United States under regulations issued by the U.S. Immigration and Naturalization Service.

Applicants disqualified under this subrule shall be notified in writing by the director within five working days following removal. Appeal of disqualification or removal shall be in accordance with subrule 12.2(2).

#### **581—5.3(19A) Examinations.**

**5.3(1)** The director may conduct examinations as necessary for the purpose of ranking applicants on nonpromotional eligible lists. Unless otherwise indicated, all references to examinations in this chapter shall apply only to positions covered by merit system provisions. Possession of a valid license, certificate, registration or work permit required by the Iowa Code or the Iowa Administrative Code in order to practice a trade or profession and issued by an appropriate authority shall qualify as evidence of an applicant's basic skills. Where these basic skills constitute the primary requirement for job performance, the names of all applicants meeting the minimum qualifications shall be placed on the appropriate eligible list without further examination.

**5.3(2)** Examinations may include, but are not limited to, written, oral, physical or performance tests, and may test for such factors as education, experience, aptitude, knowledge, character or physical fitness.

**581—5.4(19A) Development and administration of examinations.**

**5.4(1) Examination development.** The director shall oversee the development, purchase, or use of examination materials, forms, procedures, and instructions.

**5.4(2) Examination administration.** The director shall arrange for suitable locations and conditions to conduct examinations. The director may postpone, cancel, or reschedule the date of an examination.

*a. Examination of persons with disabilities.* Persons with disabilities may request specific examination accommodations. Persons in the certified disability program shall be exempt from examination.

*b. Special admittance.* Requests for special admittance to an examination after the closing date for application shall be submitted in writing to the director no more than 15 calendar days after the application closing date.

*c. Retaking an examination.* Applicants may not retake the same department of personnel written examination or one with the same or similar content for 30 days following the last time the examination was taken except as provided for in rule 581—5.6(19A). Nonstate employees may retake an examination only if the job class is open for recruitment. Nonstate employees may retake a performance examination at seven calendar-day intervals if the job class is open for recruitment. State employees may retake performance examinations at seven calendar-day intervals. Violation of a waiting period shall result in that examination score being voided and an additional waiting period of 30 days for written examinations or seven days for performance examinations being imposed. The most recent examination score shall determine the applicant's rank on the nonpromotional eligible list, and the eligibility expiration date. Applicants who take examinations other than department of personnel examinations are subject to applicable rules on retakes for those examinations.

*d. Removing examination material.* Any unauthorized person who removes examination material from an examination site or who is otherwise in possession of examination material shall be subject to prosecution.

**5.4(3) Examination materials.** Examination materials, including working papers, test booklets, test answer sheets and test answer keys are not public records under Iowa Code chapter 22.

**518—5.5(19A) Scoring examinations.** All nonpromotional applicants for positions covered by merit system provisions in the same job class shall be given uniform treatment in all phases of the examination scoring process. Applicants may be required to obtain at least a minimum score in any or all parts of the examination process in order to receive a final score or to be allowed to participate in the remaining parts of an examination.

**5.5(1) Adjustment of errors.** Examination scoring errors which are called to the attention of the director will be corrected. A correction shall not invalidate any certificate already issued or any appointment already made and shall not extend the life of the score.

**5.5(2) Points for veterans.** Honorably separated veterans who reside in Iowa and who served on active duty in the armed forces of the United States in any war, campaign, or expedition for which a campaign badge or service medal has been authorized may request to have five points added to qualifying scores. Proof of eligibility for points shall be provided by the veteran in the form of a discharge paper, official order of separation from active duty, or a certified photocopy or other evidence of honorable service. Veterans who were awarded a Purple Heart, or who have a service connected disability, or who are receiving disability compensation, or pension under laws administered by the Veterans Administration may request to have ten points added to qualifying scores. Proof of current disability dated within the last 12 months and updated each 12 months thereafter must be submitted for continued eligibility.

**581—5.6(19A) Review of written examination questions.** Any applicant may request to review their incorrectly answered questions on department of personnel written examinations. Requests for review must be submitted to the director within 15 calendar days following the date the

notice of examination results was issued. Reviews will be held during regular business hours and must be scheduled in advance. Reviews will be held during scheduled examination periods at no charge to the applicant. Reviews held at other times shall be subject to costs determined by the director. An applicant who reviews written examination questions may not retake that examination or an examination with the same or similar content for 90 calendar days following the review and then only if the class is open for recruitment. Violation of the waiting period shall result in that examination score being voided and an additional 90 calendar day waiting period being imposed.

These rules are intended to implement Iowa Code section 19A.9.

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\*Effective date of amendments to 5.11 and 54.12(1/26/83) delayed seventy days by the administrative rules review committee. Delay lifted by committee on 2/8/83. See details following chapter analysis.

\*\*See IAB Personnel Department

**54.2(6) *Disqualification or removal of applicants.*** The director may refuse to place an applicant on a list of eligibles, refuse to refer an applicant for a vacancy, refuse to approve the appointment of an applicant, or remove an applicant from a list of eligibles for a position if it is found that the applicant:

*a.* Does not meet the minimum qualifications or selective requirements for the job class or position as specified in the job class description, vacancy announcement, administrative rules, or law.

*b.* Is incapable of performing the essential functions of the job classification or position and a reasonable accommodation cannot be provided.

*c.* Has knowingly misrepresented the facts when submitting information relative to an application, examination, certification, appeal, or any other facet of the selection process.

*d.* Has used or attempted to use coercion, bribery or other illegal means to secure an advantage in the application, examination, appeal or selection process.

*e.* Has obtained screening information to which applicants are not entitled.

*f.* Has failed to submit the application within the designated time limits.

*g.* Was previously discharged from a position in state government.

*h.* Has resigned in lieu of discharge for cause.

*i.* Has been convicted of a crime that is shown to have a direct relationship to the duties of a job class or position.

*j.* Is proven to be an unrehabilitated substance abuser who would be unable to perform the duties of the job class or who would constitute a threat to state property or to the safety of others.

*k.* Is not a United States citizen and does not have a valid permit to work in the United States under regulations issued by the U.S. Immigration and Naturalization Service.

Applicants disqualified or removed under this subrule shall be notified in writing by the director within five workdays following removal. Applicants may informally request that the director reconsider their disqualification or removal by submitting additional written evidence of their qualifications or reasons why they should not be removed in accordance with rule 11-61.3(8A). Formal appeal of disqualification or removal shall be in accordance with 11-subrule 61.2(4).

#### **8A.413 State human resource management — rules.**

The department shall adopt rules for the administration of this subchapter pursuant to chapter 17A. Rulemaking shall be carried out with due regard to the terms of collective bargaining agreements. A rule shall not supersede a provision of a collective bargaining agreement negotiated under chapter 20. Notwithstanding any provisions to the contrary, a rule or regulation shall not be adopted by the department which would deprive the state of Iowa, or any of its agencies or institutions, of federal grants or other forms of financial assistance. The rules shall provide:

1. For the preparation, maintenance, and revision of a job classification plan that encompasses each job in the executive branch, excluding job classifications under the state board of regents, based upon assigned duties and responsibilities, so that the same general qualifications may reasonably be required for and the same pay plan may be equitably applied to all jobs in the same job classification. The director shall classify the position of every employee in the executive branch, excluding employees of the state board of regents, into one of the classes in the plan. An appointing authority or employee adversely affected by a classification or reclassification decision may file an appeal with the director. Appeals of a classification or reclassification decision shall be exempt from the provisions of section 17A.11 and shall be heard by a committee appointed by the director. The classification or reclassification of a position that would cause the expenditure of additional salary funds shall not become effective if the expenditure of funds would be in excess of the total amount budgeted for the department of the appointing authority until budgetary approval has been obtained from the director of the department of management.

2. For notification of the governor when the public interest requires a decrease 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, as determined by the director, acting in good faith. Thereafter, the position or type of employment shall stand abolished or created and the number of employees therein reduced or increased.

3. For pay plans covering all employees in the executive branch, 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.

4. For examinations to determine the relative fitness of applicants for employment.

a. Such examinations shall be practical in character and shall relate to such matters as will fairly assess the ability of the applicant to discharge the duties of the position to which appointment is sought.

b. Where the Code of Iowa establishes certification, registration, or licensing provisions, such documents shall be considered prima facie evidence of basic skills accomplishment and such persons shall be exempt from further basic skills examination.

5. For the public announcement of vacancies at least ten days in advance of the date fixed for the filing of applications for the vacancies, and the advertisement of the vacancies through the communications media. The director may, however, in the director's discretion, continue to receive applications and examine candidates for a period adequate to assure a sufficient number of eligibles to meet the needs of the system, and may add the names of successful candidates to existing eligible lists.

6. For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, and conduct. A promotion means a change in the status of an employee from a position in one class to a position in another class having a higher pay grade.

7. For the establishment of lists for appointment and promotion, upon which lists shall be placed the names of successful candidates.

8. For the rejection of applicants who fail to meet reasonable requirements.

9. For the appointment by the appointing authority of a person on the appropriate list to fill a vacancy.

10. For a probation period of six months, excluding educational or training leave, before appointment may be made complete, and during which period a probationer may be discharged or reduced in class or pay. If the employee's services are unsatisfactory, the employee shall be dropped

from the payroll on or before the expiration of the probation period. If satisfactory, the appointment shall be deemed permanent. The determination of the appointing authority shall be final and conclusive.

11. For temporary employment for not more than seven hundred eighty hours in a fiscal year.

12. For provisional employment when there is no appropriate list available. Such provisional employment shall not continue longer than one hundred eighty calendar days.

13. For transfer from a position in one state agency to a similar position in the same state agency or another state agency involving similar qualifications, duties, responsibilities, and salary ranges. Whenever an employee transfers or is transferred from one state agency to another state agency, the employee's seniority rights, any accumulated sick leave, and accumulated vacation time, as provided in the law, shall be transferred to the new place of employment and credited to the employee. Employees who are subject to contracts negotiated under chapter 20 which include transfer provisions shall be governed by the contract provisions.

14. For reinstatement of persons who have attained permanent status and who resign in good standing or who are laid off from their positions without fault or delinquency on their part.

15. For establishing in cooperation with the appointing authorities a performance management system for all employees in the executive branch, excluding employees of the state board of regents, which shall be considered in determining salary increases; as a factor in promotions; as a factor in determining the order of layoffs and in reinstatement; as a factor in demotions, discharges, and transfers; and for the regular evaluation, at least annually, of the qualifications and performance of those employees.

16. For layoffs by reason of lack of funds or work, or reorganization, and for the recall of employees so laid off, giving consideration in layoffs to the employee's performance record and length of service. An employee who has been laid off may be on a recall list for one year, which list shall be exhausted by the organizational unit enforcing the layoff before selection of an employee may be made from the promotional or nonpromotional list in the employee's classification. Employees who are subject to contracts negotiated under chapter 20 which include layoff and recall provisions shall be governed by the contract provisions.

17. For imposition, as a disciplinary measure, of a suspension from service without pay.

18. a. For discharge, suspension, or reduction in job classification or pay grade for any of the following causes:

(1) Failure to perform assigned duties.

(2) Inadequacy in performing assigned duties.

(3) Negligence.

(4) Inefficiency.

(5) Incompetence.

(6) Insubordination.

(7) Unrehabilitated alcoholism or narcotics addiction.

(8) Dishonesty.

(9) Unlawful discrimination.

(10) Failure to maintain a license, certificate, or qualification necessary for a job classification or position.

(11) Any act or conduct which adversely affects the employee's performance or the employing agency.

(12) Any other good cause for discharge, suspension, or reduction.

b. 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.

c. All persons concerned with the administration of this subchapter shall use their best efforts to ensure that this subchapter and the rules adopted pursuant to this subchapter 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.

19. For establishment of a uniform plan for resolving employee grievances and complaints. Employees who are subject to contracts negotiated under chapter 20 which include grievance and complaint provisions shall be governed by the contract provisions.

20. For attendance regulations, and special leaves of absence, with or without pay, or reduced pay, in the various classes of positions in the executive branch, excluding positions under the state board of regents.

a. Employees who are subject to contracts negotiated under chapter 20 which include leave of absence provisions shall be governed by the contract provisions.

b. Annual sick leave and vacation time shall be granted in accordance with section 70A.1.

21. For the development and operation of programs to improve the work effectiveness and morale of employees in the executive branch, excluding employees of the state board of regents, including training, safety, health, welfare, counseling, recreation, and employee relations.

22. For veterans preference through a provision that veterans, as defined in section 35.1, shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs.

a. Veterans who have a service-connected disability or are receiving compensation, disability benefits, or pension under laws administered by the United States department of veterans affairs shall have ten points added to the grades attained in qualifying examinations.

b. A veteran who has been awarded the purple heart for disabilities incurred in action shall be considered to have a service-connected disability.

23. For acceptance of the qualifications, requirements, regulations, and general provisions established under other sections of the Code pertaining to professional registration, certification, and licensing.

24. For the development and operation of programs to promote job sharing, telecommuting, and flex-time opportunities for employment within the executive branch.

2003 Acts, ch 145, §61; 2008 Acts, ch 1031, §77; 2009 Acts, ch 26, §1; 2010 Acts, ch 1031, §61  
Referred to in §8A.414, 19B.12, 148.2B, 152.2, 313.4, 474.1