

Sec. 11. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa.

Approved May 22, 1979

I hereby certify that the foregoing Act, House File 693, was published in the Marshalltown Times-Republican, Marshalltown, Iowa on May 26, 1979, and in the Muscatine Journal, Muscatine, Iowa on May 25, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 2  
STATE OFFICERS AND EMPLOYEES

S. F. 499

AN ACT relating to compensation and benefits for state officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, making coordinating amendments to the Code, and appropriating funds.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. The salary rates specified in this section shall be in effect for the fiscal year beginning July 1, 1979, and shall be effective for subsequent fiscal years until otherwise provided by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section pursuant to any Act of the general assembly or if such an appropriation is not sufficient, from the salary adjustment fund.

The following annual salary rates shall be paid to the person holding the position indicated:

- 1. DEPARTMENT OF AGRICULTURE  
Salary for the secretary of agriculture ..... \$ 33,000
- 2. OFFICE OF THE ATTORNEY GENERAL  
Salary of the attorney general ..... \$ 43,500
- 3. OFFICE OF THE AUDITOR OF STATE  
Salary of the auditor of state ..... \$ 33,000
- 4. OFFICE OF THE GOVERNOR  
Salary of the governor ..... \$ 60,000
- 5. OFFICE OF THE SECRETARY OF STATE  
Salary of the secretary of state ..... \$ 33,000
- 6. OFFICE OF THE TREASURER OF STATE  
Salary of the treasurer of state ..... \$ 33,000

Sec. 2. The salary rates established in this section shall be in effect for the fiscal year beginning July 1, 1979, and shall be effective for subsequent fiscal years until otherwise provided by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the department which the person represents and from funds appropriated by section three (3) of this Act.

The following annual salary rates shall be paid to the persons holding the positions indicated:

1. Chief justice of the supreme court .....	\$	54,000
2. Each justice of the supreme court .....	\$	49,000
3. Chief justice of the appellate court .....	\$	47,500
4. Each justice of the appellate court .....	\$	46,500
5. Each chief judge of a judicial district .....	\$	45,500
6. Each district court judge except the chief judge of a judicial district .....	\$	43,500
7. Each district associate judge .....	\$	36,000
8. Each full-time judicial magistrate .....	\$	36,000
9. Each part-time judicial magistrate .....	\$	10,000

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the following amounts, or so much thereof as is necessary, to be used to fund increases in judicial salaries as provided in section two (2) of this Act and for the state's contribution to the judicial retirement system provided for in chapter six hundred five A (605A) of the Code required because of the increased salaries .....

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 650,000	\$ 650,000

Sec. 4. The salary rates specified in this section shall be in effect for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981. Salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section or pursuant to this Act.

The following annual salary rates shall be paid to the persons holding the positions indicated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. Chairperson of the public employment relations board .....	\$ 31,850	\$ 34,086
2. Two members of the public employment relations board, each .....	\$ 29,510	\$ 31,564

Sec. 5. Persons receiving the salary rates established under section one (1) or four (4) of this Act shall not receive any additional salary adjustments provided by this Act. The salary rates specified in section four (4) of this Act shall be in effect for the fiscal years indicated and the

salary rates for the fiscal year beginning July 1, 1980, shall be effective for subsequent years until otherwise provided by the general assembly. If the funds of the agency which have been appropriated for salaries are insufficient to pay the salaries fixed by section one (1) or four (4) of this Act because of increases in the salaries, funds may be allocated from funds appropriated by this Act to the salary adjustment fund. In addition, if federal funds are available for any position provided for in section four (4) of this Act, the federal funds may be expended if the combined federal and state funds do not exceed the rates provided for in section four (4) of this Act.

Sec. 6. The governor may establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in section seven (7) of this Act within the range provided by considering, among other things, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, the availability of qualified candidates for the position, and subordinates' salaries.

The governor in establishing salaries as provided in section seven (7) of this Act shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

A person whose salary is established by section seven (7) of this Act and who is a full-time permanent employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law; however, this provision shall not be construed to exclude necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 7. The following annual salary ranges shall be in effect for the fiscal year beginning July 1, 1979, for the positions specified and for each fiscal year after that fiscal year the salary range shall be the same as the range specified for that fiscal year unless otherwise specified by the general assembly. The governor shall determine the salary to be paid to the person indicated at a rate within the salary ranges indicated from funds appropriated by the general assembly for such purposes.

1. If a person is in:

a. Range one, the person shall receive a salary of not less than five thousand (5,000) dollars or more than fifteen thousand (15,000) dollars.

b. Range two, the person shall receive a salary of not less than eighteen thousand (18,000) dollars or more than thirty thousand (30,000) dollars.

c. Range three, the person shall receive a salary of not less than twenty-five thousand (25,000) dollars or more than thirty-five thousand (35,000) dollars.

d. Range four, the person shall receive a salary of not less than thirty thousand (30,000) dollars or more than forty thousand (40,000) dollars.

e. Range five, the person shall receive a salary of not less than thirty-five thousand (35,000) dollars or more than forty-five thousand (45,000) dollars.

2. The following are range one positions: members of the board of parole, members of the state health facilities council, and members of the transportation commission of the department of transportation.

3. The following are range two positions: executive director of the commission on aging, director of the Iowa state arts council, director of the Iowa civil rights commission, executive director of the college aid commission, executive secretary of the Iowa crime commission, executive secretary of the committee on employment of the handicapped, members of the appeal board of the Iowa department of job service, director of the historical society of the state historical department, director of museum and archives of the state historical department, director of historical preservation of the state historical department, director of the Iowa law enforcement academy, state librarian, director of the Iowa natural resources council, director of disaster services of the department of public defense, director of the real estate commission, director of the department of substance abuse, and each member of the transportation regulation board of the department of transportation.

4. The following are range three positions: director of the commission for the blind, administrator of the credit union department, director of the energy policy council, executive director of the department of environmental quality, secretary of the state fair board, state geologist, commissioner of insurance, industrial commissioner, labor commissioner, director of the Iowa merit employment commission, and director of the department of soil conservation.

5. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, and commissioner of public safety.

6. The following are range five positions: state comptroller, superintendent of public instruction, executive secretary of the state board of regents, director of the department of revenue, commissioner of social services, and director of the department of transportation.

Sec. 8. The salary rates established by the governor under sections six (6) and seven (7) of this Act for the persons indicated shall be the total salary paid to the persons for whom established. Any other salary rates or adjustments to salaries provided for by this Act shall not apply to the positions specified in section seven (7) of this Act; however, funds appropriated to the salary adjustment fund by this Act may be expended to fund salaries established pursuant to sections six (6) and seven (7) of this Act if funds appropriated to the agencies represented by or employing the persons holding the positions specified in section seven (7) of this Act are insufficient to pay salaries provided for in section seven (7) of this Act. The governor shall report to the legislative fiscal committee the salary rates established pursuant to section seven (7) of this Act.

Sec. 9. Section twenty point five (20.5), subsection three (3), Code 1979, is amended to read as follows:

3. In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of labor-management relations. The ~~chairman--shall--receive--an--annual--salary--of--twenty--four--thousand--dollars---~~ The chairperson and the remaining two members shall each receive an annual salary ~~equal--to--ninety--percent--of--the--salary--received--by--the--chairman~~ as set by the general assembly.

Sec. 10. Section four hundred seventy-four point one (474.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

On the second Tuesday of July of each year, the Iowa state commerce commission shall organize by electing one of its members as ~~chairman~~ chairperson, and appointing a an executive secretary, who shall take the same oath as the commissioners. The commission shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in subsection two (2) of section nineteen A point nine (19A.9) of the Code unless otherwise provided by the general assembly. The commission may employ ~~such~~ additional personnel as it may find necessary.

Sec. 11. Section six hundred five point eight (605.8), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The base starting salary of a full-time certified shorthand reporter shall be fourteen thousand seven hundred dollars. The base salary may be increased by an amount not to exceed ~~six-hundred-thirty-dollars~~ seven percent for each year of experience as a shorthand reporter. The maximum salary shall not exceed ~~nineteen~~ twenty-one thousand ~~seven one~~ hundred forty ~~twenty-one~~ twenty-one dollars except as provided in this section.

Sec. 12.

1. There is appropriated from the general fund of the state to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts to be allocated to the counties for the purpose of providing average pay increases of not more than seven percent to the full-time shorthand reporters of the district court:

- a. For the fiscal year beginning July 1, 1979, \$150,849.
- b. For the fiscal year beginning July 1, 1980, \$161,409.

2. The state comptroller shall allocate and distribute the amount to each county in the same proportion that the county's annual payroll for full-time shorthand reporters for the fiscal year ending June 30, 1979 was to the annual payroll for full-time shorthand reporters for all counties for that fiscal year. Moneys received by a county under this section shall be deposited in the fund for ordinary county revenue under section four hundred forty-four point nine (444.9), subsection two (2) of the Code or in the court expense fund under section four hundred forty-four point ten (444.10) of the Code, as applicable.

Sec. 13. Section six hundred two point thirty-one (602.31), Code 1979, is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum ~~of--nineteen--thousand--five--hundred--dollars~~ set by the general assembly.

District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties away from the city of their residence, in accordance with section 605.2. District associate judges who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund.

Sec. 14. Section six hundred two point fifty-four (602.54), Code 1979, is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his or her actual and necessary expenses in the performance of his or her duties while away from the city of his or her residence, in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum ~~of four thousand eight hundred dollars annually~~ set by the general assembly. The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary ~~of nineteen thousand five hundred dollars~~ in an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the judicial department.

Sec. 15. Section six hundred eighty-four point twenty-three (684.23), Code 1979, is amended to read as follows:

684.23 CLERKS FOR SUPREME COURT JUSTICES. The supreme court shall have authority to appoint not more than nine attorneys or graduates of a reputable law school as defined in section 610.2, to act as legal assistants to the judges of the supreme court, such assistants to serve at a salary ~~not to exceed seven thousand dollars per year~~ of not less than fifteen thousand or more than twenty-five thousand dollars annually as set by the court administrator and approved by the supreme court and shall render these services in such manner as may be prescribed by the court.

Sec. 16. Section six hundred eighty-five point one (685.1), Code 1979, is amended to read as follows:

685.1 APPOINTMENT. ~~Within ninety days prior to the first secular day in January, 1927, and every four years thereafter, the~~ The judges of the supreme court shall appoint a clerk of the supreme court who shall hold office for four years and until ~~his~~ a successor ~~has been~~ is appointed and ~~qualified~~ qualifies. The judges of the supreme court shall set the salary of the clerk of the supreme court which salary shall not be less than twenty thousand or more than thirty thousand dollars annually. In case a vacancy occurs, the ~~same~~ vacancy shall be filled by appointment for the unexpired portion of the term only.

Sec. 17. Section six hundred eighty-five point six (685.6), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The court shall fix the compensation of the administrator, deputy administrator, and research director and the employees of the office. The salary of the administrator, deputy administrator, and research director shall be set at a rate of not less than twenty-five thousand or more than thirty-five thousand dollars annually. The supreme court is authorized to accept federal funds to supplement the funds appropriated to the court.

Sec. 18. Section six hundred eighty-five point seven (685.7), Code 1979, is amended to read as follows:

685.7 ASSISTANTS. The court administrator, with the approval of the supreme court, shall appoint ~~such~~ and set the salaries of assistants as are necessary ~~to enable him~~ to perform the powers and duties vested in ~~him~~ the court administrator. The salaries of the assistants, except the court fiscal director, shall be set at a rate of not less than fifteen thousand or more than twenty-five thousand dollars annually. The court fiscal director shall receive a salary at a rate of not less than twenty thousand dollars or more than thirty thousand dollars. While holding ~~such~~ the position, neither the court administrator nor ~~his~~ assistants shall practice law in any of the courts of this state.

Sec. 19. Section two point ten (2.10), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of twelve thousand eight hundred dollars for ~~each~~ the year 1981 and thirteen thousand seven hundred dollars for the year 1982 while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house shall receive an annual salary of ~~fourteen~~ fifteen thousand dollars for ~~each~~ the year 1981 and sixteen thousand dollars for the year 1982 while serving in such capacity. In addition, each such member shall receive the sum of thirty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated, by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred twenty calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred twenty calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive fifteen dollars per day. Travel expenses shall be paid at the rate established by section ~~79-9~~ eighteen point one hundred seventeen (18.117) of the Code for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section ~~79-9~~ eighteen point one hundred seventeen (18.117) of the Code shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive an annual salary of eighteen nineteen thousand two hundred dollars for the year 1981 and twenty thousand five hundred dollars for the year 1982. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

3. The speaker of the house shall receive an annual salary of eighteen nineteen thousand two hundred dollars for each the year 1981 and twenty thousand five hundred dollars for the year 1982 while serving as the speaker of the house. Expense and travel allowances shall be the same for the speaker of the house as provided for other members of the general assembly.

Sec. 20. Section nineteen (19) of this Act is effective January 12, 1981. The salary rates established in section nineteen (19) for the year 1982 shall remain in effect until otherwise provided by the general assembly.

Sec. 21. All federal grants to and the federal receipts of the agencies affected by the provisions of this Act which are received and may be expended for purposes of this Act, are appropriated for such purposes and as set forth in such federal grants or receipts.

Sec. 22.

1. There is appropriated from the general fund of the state to the salary adjustment fund provided for in section eight point forty-three (8.43) of the Code, for the fiscal years beginning July 1, 1979, and July 1, 1980, the following amounts or so much as may be necessary, to be distributed to the various departments to supplement other funds appropriated by the general assembly:

- a. For the fiscal year beginning July 1, 1979, \$25,700,000.
- b. For the fiscal year beginning July 1, 1980, \$51,300,000.

2. The amounts appropriated in subsection one (1) of this section shall be used to fund the following annual pay adjustments, expense reimbursement and benefits not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional social services bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the public safety bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the security bargaining unit.

e. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the technical bargaining unit.

f. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional fiscal and staff bargaining unit.

g. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the university of northern Iowa faculty bargaining unit.

h. The annual pay adjustments, expense reimbursement and benefits referred to in sections twenty-seven (27), twenty-eight (28), thirty-one (31) and forty-two (42) of this Act and health care benefits for employees not covered by a collective bargaining agreement.

Sec. 23.

1. There is appropriated from the road use tax fund of the state to the state department of transportation, for the fiscal years beginning July 1, 1979, and July 1, 1980, the following amounts or so much as may be necessary, to be distributed to supplement other funds appropriated by the general assembly:

a. For the fiscal year beginning July 1, 1979, \$315,700.

b. For the fiscal year beginning July 1, 1980, \$652,000.

2. The amounts appropriated in subsection one (1) of this section shall be used to fund the following annual pay adjustments, expense reimbursement and benefits for employees of the state department of transportation not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the technical bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional fiscal and staff bargaining unit.

e. The annual pay adjustments, expense reimbursement and benefits referred to in sections twenty-seven (27), twenty-eight (28), thirty-one (31) and forty-two (42) of this Act and health care benefits for employees not covered by a collective bargaining agreement.

Sec. 24.

1. There is appropriated from the primary road fund to the state department of transportation the following amounts for the fiscal years beginning July 1, 1979, and July 1, 1980, or so much as may be necessary, to supplement other funds appropriated by the general assembly:

a. For the fiscal year beginning July 1, 1979, \$3,555,000.

b. For the fiscal year beginning July 1, 1980, \$7,326,000.

2. The amounts appropriated in subsection one (1) of this section shall be used to fund the following annual pay adjustments, expense reimbursement and benefits for employees of the state department of transportation not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the technical bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional fiscal and staff bargaining unit.

e. The annual pay adjustments, expense reimbursement and benefits referred to in sections twenty-seven (27), twenty-eight (28), thirty-one (31) and forty-two (42) of this Act and health care benefits for employees not covered by a collective bargaining agreement.

Sec. 25. Funds appropriated from the general fund of the state in this Act shall relate to salaries supported from general fund appropriations and shall not be construed to replace revolving, federal, trust or special funds where applicable.

Sec. 26. To departmental revolving, trust or special funds, except for primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental authorization is hereby provided for those funds, unless otherwise provided, in an amount necessary to fund salary adjustments provided in this Act.

Sec. 27.

1. The merit system pay plan and the executive council exempt pay plan provided for in section nineteen A point nine (19A.9), subsection two (2) of the Code as the pay plans exist for the fiscal years ending June 30, 1979, and June 30, 1980, shall be increased for all employees who are not included in a collective bargaining agreement made final under chapter twenty (20) of the Code by an average amount equal to five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The merit employment commission shall revise the merit system pay plan and the governor shall revise the executive council pay plan as provided under section nineteen A point nine (19A.9), subsection two (2) of the Code by the percentage increases specified in this subsection and may increase the salary levels for the various grades and steps within the respective plans by different percentages, but the total percentage increase of all salaries included in each plan shall not exceed five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The percentage increase authorized for the pay plans in this subsection does not preclude an individual state officer or employee subject to either pay plan from receiving an additional salary increase authorized under merit employment commission rules or policy of the governor as applicable.

2. The salaries of state employees who are exempt from chapter nineteen A (19A) of the Code and who are included in the state comptroller's centralized payroll system and the department of transportation payroll system and the office employees of the state board of regents as the salaries exist for the fiscal years ending June 30, 1979, and June 30, 1980, shall be increased by an average amount equal to five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year

beginning July 1, 1980. The appointing authority shall determine the percentage increase of each employee's salary provided for under this subsection and may increase the salaries of employees by different percentages, but the total percentage increase of all salaries of employees under the appointing authority's jurisdiction shall not exceed five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The percentage increase authorized for salaries under this subsection does not preclude a state officer or employee from receiving an additional salary increase authorized under department policy or policy determined by the appointing authority consistent with this Act or the merit system pay plan and appropriations made by the general assembly.

3. This section does not apply to members of the general assembly, board members and commission members, salaries of persons set by the general assembly pursuant to this Act or set by the governor and employees designated under section nineteen A point three (19A.3), subsection six (6) of the Code and employees under the state board of regents' merit system, but subsection two (2) of this section does apply to office employees of the state board of regents.

Sec. 28. The funds allocated to the state board of regents for the purpose of providing increases for employees not covered by a collective bargaining agreement shall be used as follows:

1. The amount necessary to fund in each fiscal year an average base salary increase of seven percent of base salaries of faculty members paid during the preceding fiscal year, to be allocated to faculty members at the discretion of the state board of regents.

2. The amount necessary to fund in each fiscal year a salary increase of four percent of the base salary of each professional and scientific staff member, except board office employees, paid during the preceding fiscal year. The percentage increase authorized for salaries under this subsection does not preclude a professional and scientific staff member from receiving an additional salary increase authorized by the state board of regents consistent with this Act and appropriations made by the general assembly.

3. For employees under the state board of regents' merit system who are not included in the collective bargaining agreement made final under chapter twenty (20) of the Code, except board office employees, the amount necessary to increase the state board of regents' merit pay plan as it exists for the fiscal years ending June 30, 1979, and June 30, 1980, an average amount equal to five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The percentage increase authorized for the pay plan in this subsection does not preclude an employee under the state board of regents' merit system who is not under a collective bargaining agreement and not board office employee, from receiving any additional salary increase authorized under the state board of regents' merit rules. The merit pay plan adjustment shall be rounded to the nearest whole dollar for the fiscal year beginning July 1, 1979.

Sec. 29. All funds appropriated by this Act to the salary adjustment fund for the department of transportation, and for the state agencies paid through the state comptroller's centralized payroll system, shall be used to fund salary and fringe benefit expenditures for the following periods of time:

1. For fiscal year July 1, 1979, and ending June 30, 1980, beginning with the bi-weekly paydate of July 13, 1979, and ending with the bi-weekly paydate of July 11, 1980.

2. For fiscal year July 1, 1980, and ending June 30, 1981, beginning with the bi-weekly paydate of July 25, 1980, and ending with the bi-weekly paydate of July 10, 1981.

Sec. 30. Chapter eight (8), Code 1979, is amended by adding the following new section:

**NEW SECTION. PAYROLL ACCRUAL ACCOUNT.** The state comptroller shall establish a payroll accrual account in the office of the state treasurer. In preparation of budgets for state departments, the state comptroller shall compute an amount for each fiscal year sufficient to provide funds to meet the twenty-seventh biweekly payroll when it occurs and shall deposit the necessary amount each year in the payroll accrual account.

Sec. 31. Section eighteen point one hundred seventeen (18.117), Code 1979, is amended to read as follows:

18.117 PRIVATE USE--RATE FOR STATE BUSINESS. ~~No~~ A state officer or employee shall not use any state-owned motor vehicle for ~~his--own~~ personal private use, nor shall ~~he~~ the officer or employee be compensated for driving his or her own motor vehicle ~~except-if--such~~ unless it is done on state business with the approval of the state vehicle dispatcher, and in such case ~~he or she~~ shall receive ~~fifteen~~ eighteen cents per mile effective July 1, 1979, and twenty cents per mile effective July 1, 1980. A statutory provision stipulating necessary, mileage, travel, or actual expenses reimbursement to a state officer shall be construed to fall under ~~this~~ fifteen-cents the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section ~~740-3~~ eight hundred one point four (801.4) of the Code who is required to use ~~his~~ a private vehicle in the performance of his official duties shall receive reimbursement for mileage expense at the rate ~~of-fifteen-cents-per-mile~~ specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services and approved by the executive council. When a state motor vehicle has been assigned to a state officer or employee ~~he~~ or she shall not collect mileage for the use of ~~his~~ a personal vehicle unless the state vehicle assigned ~~to~~ him is not usable.

This section shall not apply to ~~elected-officers-of-the-state,-judges-of-the-district-court,-judges-of-the-supreme-court,-or~~ officials and employees of the state whose mileage is paid by other than state agencies and, except for the provisions relating to mileage reimbursement, this section shall not apply to elected officers of the state, judges of the district court, judges of the court of appeals or judges of the supreme court.

Sec. 32. Section nineteen A point nine (19A.9), subsections eleven (11), fourteen (14), seventeen (17), and eighteen (18), Code 1979, are amended to read as follows:

11. For transfer from a position in one department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges. Whenever an employee transfers or is transferred from one state department or agency to another state department or agency, his or her 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 him or her. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include transfer provisions shall be governed by the contract provisions.

14. For layoffs by reason of lack of funds or work, or organization, and for re-employment of employees so laid off, giving primary consideration in both layoffs and re-employment to performance record and secondary consideration to seniority in service. Any employee who has been laid off may keep his or her name on a preferred employment list for one year, which list shall be exhausted by the agency enforcing the layoff before selection of an employee may be made from the register in his or her classification. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include layoff provisions shall be governed by the contract provisions.

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

18. For attendance regulations, and special leaves of absence, with or without pay, or reduced pay in the various classes of positions in the classified service. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include leave of absence provisions shall be governed by the contract provisions. Annual sick leave and vacation time shall be granted in accordance with section 79.1.

Sec. 33. Section nineteen A point twenty-three (19A.23), Code 1979, is amended to read as follows:

19A.23 LONGEVITY PAY PROHIBITED--EXCEPTION. No state employee subject to the provisions of this chapter shall be entitled to longevity pay except those employees granted longevity pay pursuant to section ~~313-47-subsection-3~~ three hundred seven A point eight (307A.8) of the Code.

Sec. 34. Section twenty point twenty-eight (20.28), Code 1979, is amended to read as follows:

20.28 INCONSISTENT STATUTES--EFFECT. A provision of the Code which is inconsistent with any term or condition of a collective bargaining agreement which is made final under this chapter shall supersede the term or condition of the collective bargaining agreement unless otherwise provided by the general assembly. A provision of a proposed collective bargaining agreement negotiated according to this chapter which conflicts with the Code shall not become a provision of the final collective bargaining agreement until the general assembly has amended the Code to remove the conflict.

Sec. 35. Section thirty-three point two (33.2), Code 1979, is amended to read as follows:

33.2 PAID HOLIDAYS. State employees are granted, except as provided in the ~~third~~ fourth paragraph of this section, the following holidays off from employment with pay:

1. New Year's Day, January 1 first.
2. Memorial Day, the last Monday in May.
3. Independence Day, July 4 fourth.
4. Labor Day, the first Monday in September.
5. Thanksgiving Day, the fourth Thursday in November.
6. Friday after Thanksgiving, the Friday following Thanksgiving Day.
7. Christmas Day, December 25 twenty-fifth.
8. Two other holidays, each to be designated annually by the executive council.

9. Two days of paid leave each year to be added to the vacation allowance and accrued under the provisions of section seventy-nine point one (79.1) of the Code.

The appointing authority shall grant not more than four additional days of paid leave each year as required to implement contract provisions negotiated pursuant to chapter twenty (20) of the Code.

The executive council may designate days off from employment with pay in addition to those enumerated in this section for state employees at its discretion.

If a holiday enumerated in this section falls on Saturday, the preceding Friday shall be granted and if a holiday enumerated in this section falls on Sunday, the following Monday shall be granted. In those cases, where by nature of the employment a state employee must be required to work on a holiday the provisions of the first paragraph of this section shall not apply, however, compensation shall be made on the basis of the employee's straight time hourly rate for a forty-hour work week and shall be made in either compensatory time off or cash payment, at the discretion of the appointing authority unless otherwise provided for in a collective bargaining agreement.

~~No~~ A holiday or paid leave granted to a state employee by under this section can-be-considered-as shall be in addition to vacation time and--shall not--be--included--in--the--amount--of--vacation-to-which-a-state-employee-is entitled to which a state employee is entitled under section seventy-nine point one (79.1) of the Code.

~~In--addition--to--the--holidays--enumerated--in--this--section,--state--employees are--granted--two--days--of--paid--leave--each--year.---The--days--of--leave--shall--be added--to--the--vacation--allowance--accrued--under--the--provisions--of--section--79.1.~~

Sec. 36. Section forty-nine point twenty (49.20), Code 1979, is amended to read as follows:

49.20 COMPENSATION OF MEMBERS. The members of election boards shall ~~receive--two--dollars--per--hour~~ be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than two dollars and fifty cents nor more than three dollars and fifty cents

per hour, while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense, except that persons whom the commissioner has been advised prior to their appointment to the election board are willing to serve without pay at elections conducted for any school district or a city of three thousand five hundred or less population shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of such canvass that the election record certificate has been properly executed by the election board.

Sec. 37. Section forty-nine point one hundred twenty-five (49.125), Code 1979, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES. All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate specified in section 79.9 if the distance involved is more than five miles. The wages shall be ~~two-dollars per-hour~~ computed at the hourly rate established pursuant to section forty-nine point twenty (49.20) of the Code and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

Sec. 38. Section seventy-nine point one (79.1), unnumbered paragraphs one (1), three (3), four (4), and six (6), Code 1979, 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 ~~any-such~~ 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 calendar days in the fiscal year, and multiplying the result by the number of calendar days in the pay period. Salaries for state employees other than annual salaries shall be established on an hourly basis.

PARAGRAPH DIVIDED. All employees of the state ~~including---highway maintenance---employees---of---the---state---department---of---transportation~~ shall earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four-tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week vacation shall be equal to the number of hours in the employee's normal work week. Vacation allowances shall be accrued according to the provisions of chapter 91A as provided by the rules of the Iowa merit

employment department. ~~Said~~ The vacations shall be granted at the discretion and convenience of the head of the department, agency or commission, except that ~~in--no--ease--may~~ an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this paragraph shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements. In the event that the employment of an employee of the state is terminated the provisions of chapter 91A relating to ~~such~~ the termination shall apply.

Payments authorized by this section shall be approved by the department and paid from the appropriation or fund of original certification of the claim.

Commencing July 1, ~~1977~~ 1979, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions, excluding employees covered under a collective bargaining agreement which provides otherwise, shall accrue sick leave at the rate of one and one-half days for each ~~full~~ complete month of full-time employment. The accrual rate for part-time employees shall be prorated to the accrual rate for full-time employees. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically-related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:

1. Which require the employee's confinement,
2. Which render the employee unable to perform assigned duties, or
3. When performance of assigned duties would jeopardize the employee's health or recovery.

~~The-governor-is-directed-to-issue-an-executive-order-implementing-a-policy which--would--grant--additional-vacation-time,-not-to-exceed-one-half-day,-to state~~ 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 not covered under--a--collective--bargaining--agreement--negotiated--pursuant--to chapter--20, 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-executive-order-shall-remain-in--effect until---the--general--assembly--provides--a--program--based--upon--the--state comptroller's-study-for-providing-credit-for-the-accrual-of-sick--leave.~~ The accrual of additional vacation time by an employee for not using sick leave during a month shall be in lieu of the accrual of up to one and one-half days of sick leave for that month. The state comptroller may promulgate 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 promulgate necessary rules for the implementation of this program for its employees.

Sec. 39. Section seventy-nine point one (79.1), unnumbered paragraph eight (8), Code 1979, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

Beginning with the pay period which includes July 1, 1981, if a pay period includes days in two fiscal years, the state comptroller shall charge the payroll for that pay period to the latter fiscal year if that year includes half or more of the days in the pay period, and to the former fiscal year if that year includes more than half of the days in the pay period, and a specific annual salary rate or annual salary adjustment commencing with the latter fiscal year shall commence with the first day of the first pay period which is charged to the latter fiscal year.

Sec. 40. If a state employee has accrued vacation leave on June 30, 1979, in excess of the limitations on accrual and accumulation provided in section thirty-eight (38) of this Act, then the limitation on accrual and accumulation shall not apply to that employee until June 30, 1980, and on that date the employee shall lose any accrued vacation leave in excess of the limitations on accrual and accumulation provided in section thirty-eight (38) of this Act.

Sec. 41. Section seventy-nine point nine (79.9), Code 1979, is amended to read as follows:

79.9 CHARGE FOR USE OF AUTOMOBILE. When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile of ~~fifteen~~ eighteen cents per mile for actual and necessary travel effective July 1, 1979, and twenty cents per mile effective July 1, 1980. A statutory provision stipulating necessary, mileage, travel, or actual reimbursement to a local public officer or employee shall be construed to fall within ~~this--fifteen--cents~~ the mileage reimbursement limitation specified in this section unless specifically provided otherwise. Any peace officer, other than a state officer or employee, as defined in section ~~740-3~~ eight hundred one point four (801.4) of the Code who is required to use ~~his~~ a private vehicle in the performance of ~~his~~ official duties shall receive reimbursement for mileage expense at the rate ~~of fifteen cents-per-mile~~ specified in this section.

Sec. 42. Section seventy-nine point twenty-three (79.23), Code 1979, is amended to read as follows:

79.23 CREDIT FOR ACCRUED SICK LEAVE. Commencing July 1, 1977, ~~when an a~~ state employee ~~who--is--not--covered--under--the-provisions-of-a-collective bargaining-agreement-negotiated-under-the-provisions-of-chapter-20,~~ excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under the provisions of a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. ~~Until-the-general-assembly-provides--a--program of-credit--for-accrued-sick-leave,-the-number-of-accrued-days-credited-to-an employee-upon-retirement-shall-be-the-same-as-at-the-time-of--the--employee's retirement.~~ When an employee retires, is eligible and has applied for benefits under a retirement system authorized under chapter ninety-seven A (97A) or ninety-seven B (97B) of the Code, including the teachers insurance annuity association (TIAA) and the college retirement equity fund (CREF), the employee shall receive a cash payment for the employee's accumulated, unused

sick leave in both the active and banked sick leave accounts except when, in lieu of cash payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter twenty (20) of the Code. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payment for accumulated, unused sick leave shall not exceed two thousand dollars and is payable upon retirement. Banked sick leave is defined as accrued sick leave in excess of ninety days. A state employee who retired on or after July 1, 1977, but before July 1, 1979, may file claims for the employee's accrued sick leave credit authorized in this section. The claim of a state employee paid through the state comptroller's centralized payroll system and the department of transportation payroll system shall be filed with the state comptroller on forms provided by the state comptroller. The claim for an employee of the state board of regents shall be filed with the state board of regents on forms provided by the board.

Sec. 43. The provisions of section seventy-nine point twenty-three (79.23) of the Code relating to the cash payment to state employees upon retirement for accumulated, unused sick leave shall not apply to persons who were covered under a collective bargaining agreement and who retired on or after July 1, 1977, and before July 1, 1979, unless the collective bargaining agreement provides for the cash payment.

Sec. 44. Section eighty point eight (80.8), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

A collective bargaining agreement entered into between the state and a state employee organization under chapter 20 made final after July 1, 1977, shall not include any pay adjustment ~~or increase~~ to longevity pay authorized under this section.

Sec. 45. Section eighty point fifteen (80.15), Code 1979, is amended to read as follows:

80.15 EXAMINATION--OATH--PROBATION--DISMISSAL. No applicant for membership in the department of public safety, except clerical workers and special agents appointed under section 80.7, shall be appointed as a member until he\*has passed a satisfactory physical and mental examination. In addition, such applicant must be a citizen of the United States, of good moral character, and be not less than twenty-two years of age. The mental examination shall be conducted under the direction or supervision of the commissioner of public safety and may be oral or written or both. Each applicant shall take an oath on becoming a member of the force, to uphold the laws and Constitution of the United States and of the state of Iowa. During the period of twelve months after appointment, any member of the department of public safety, except members of the present Iowa highway safety patrol who have served more than six months, shall be subject to dismissal at the will of the commissioner. After the twelve months' service, no member of the department, who shall have been appointed after having passed the before-mentioned examinations, shall be subject to dismissal unless charges have been filed with the secretary of the executive council and a hearing held before the executive council, if requested by said member of the department,

\*According to enrolled Act

at, which ~~he~~ the member shall have an opportunity to present ~~his~~ a defense to such charges. The decision of the executive council by majority vote shall be final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act. All rules, except employment provisions negotiated pursuant to chapter twenty (20) of the Code, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner with the approval of the governor.

Sec. 46. Section two hundred seventy-nine point thirteen (279.13), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If the provisions of a contract executed or automatically renewed under this section conflict with a collective bargaining agreement negotiated under chapter twenty (20) of the Code and effective when the contract is executed or renewed, the provisions of the collective bargaining agreement shall prevail.

Sec. 47. Section three hundred seven A point two (307A.2), subsection three (3), Code 1979, is amended to read as follows:

3. When in the interest of the state, the commission may allow a subsistence expense to an employee of the highway division of the department for continuous stay in one location while on duty away from established headquarters and place of domicile or either for a period not to exceed forty-five days; allow automobile expenses in accordance with section 79-9 eighteen point one hundred seventeen (18.117) of the Code, for moving an employee and his or her family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. Such household goods shall not include pets or animals.

Sec. 48. NEW SECTION. A supervisory member of any department or agency employed by the state of Iowa shall not be granted a voluntary reduction to a nonsupervisory rank or grade during the six months preceding retirement of the member. A member of any department or agency employed by the state of Iowa who retires in less than six months after voluntarily requesting and receiving a reduction in rank or grade from a supervisory to a nonsupervisory position shall be ineligible for a benefit to which the member is entitled as a nonsupervisory member but is not entitled as a supervisory member.

The provisions of this section shall be effective during the collective bargaining agreement in effect from July 1, 1979 through June 30, 1981.

Sec. 49. Sections nineteen A point twelve (19A.12), nineteen A point twenty-two (19A.22), two hundred eighteen point seventy-one (218.71), two hundred nineteen point eleven (219.11) and two hundred forty-six point thirty-three (246.33), Code 1979, are repealed.

Sec. 50. The method used by the state comptroller from May, 1975 through June, 1981 in computing the amount paid for each pay period to state employees on an annual salary is legalized.

Sec. 51. The amendments to sections forty-nine point twenty (49.20) and forty-nine point one hundred twenty-five (49.125), Code 1979, enacted by this Act are effective July 1, 1980.