

NEW SUBSECTION. 10. Internal inspections of unfired steam pressure vessels operating in excess of fifteen pounds per square inch shall be conducted once every two years. External inspections shall be conducted annually. An internal inspection of an unfired steam pressure vessel may be required at any time by the commissioner upon the observation by an inspector of conditions, enumerated by the commissioner through rules, warranting an internal inspection.

Sec. 2. REPEAL. 1996 Iowa Acts, chapter 1149, section 2, is repealed effective December 31, 1997.

Approved April 11, 1997

CHAPTER 28

STATE GOVERNMENT PERSONNEL PROCEDURES

H.F. 401

AN ACT relating to state government personnel procedures including job classifications, pay plans, employee recall from layoff, and abolishing the personnel commission.

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

Section 1. Section 19A.1, subsection 3, paragraph a, Code 1997, is amended by striking the paragraph.

Sec. 2. Section 19A.2, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 3. Section 19A.9, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The ~~personnel commission~~ director shall adopt and may amend rules for the administration and implementation of this chapter in accordance with chapter 17A. ~~The director shall prepare and submit proposed rules to the commission.~~ 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. The rules shall provide:

Sec. 4. Section 19A.9, subsections 1, 2, 14, 16, and 23, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

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 job classification or reclassification may file an appeal with 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.

When the public interest requires a diminution 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, the director, acting in good faith, shall so notify the governor. Thereafter, the position or type of employment shall stand abolished or created and the number of employees therein reduced or increased.

2. For pay plans covering all employees in the executive branch of state government, 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.

14. For layoffs by reason of lack of funds or work, or organization, and for the recall of employees so laid off, giving primary consideration in layoffs to the performance record and secondary consideration to the 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 agency enforcing the layoff before selection of an employee may be made from the promotional or nonpromotional list of eligibles 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.

16. For discharge, suspension, or reduction in job classification or pay grade for any of the following causes: failure to perform assigned duties; inadequacy in performing assigned duties; negligence; inefficiency; incompetence; insubordination; unrehabilitated alcoholism or narcotics addiction; dishonesty; unlawful discrimination; failure to maintain a license, certificate, or qualification necessary for a job classification or position; any act or conduct which adversely affects the employee's performance or the employing agency; or any other good cause for discharge, suspension, or reduction. 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. All persons concerned with the administration of this chapter shall use their best efforts to insure that this chapter and the rules adopted hereunder 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.

23. For the establishment of work test appointments to job classifications such as laborers, attendants, aides, food service workers, laundry workers, custodial workers, or similar types of employment when the character of the work makes it impracticable to effectively supply the needs of the departments by written or other type of competitive examination. If this subsection conflicts with any other provisions of this chapter, the provisions of this subsection govern the positions to which it applies. All persons appointed to the positions specified in this subsection shall serve a probationary period in accordance with this chapter, may acquire permanent status, and are subject to the same rules as other employees. Such persons shall be required to pass promotional examinations as prescribed by this chapter and the rules adopted by the director before they may be promoted to a higher classification.

Sec. 5. Section 19A.16, Code 1997, is amended to read as follows:

19A.16 SERVICES TO POLITICAL SUBDIVISIONS.

~~Subject to the rules approved by the commission, the~~ The director may enter into agreements with any municipality or political subdivision of the state to furnish services and facilities of the agency to ~~such~~ the municipality or political subdivision ~~in the administration of its personnel on merit principles.~~ Any such ~~The~~ agreement shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

Nothing in this chapter shall affect any municipal civil service programs presently established under and pursuant to ~~the provisions of~~ chapter 400.

Sec. 6. Section 19A.18, unnumbered paragraphs 6 and 7, Code 1997, are amended to read as follows:

Any officer or employee ~~in the merit system~~ who violates any of the provisions of this section shall be subject to suspension, dismissal, or demotion subject to the right of appeal herein.

The ~~commission~~ director shall adopt any rules necessary for further restricting political activities of ~~persons holding positions in the classified service~~ employees in the executive branch, but only to the extent necessary to comply with federal standards. Employees retain the right to vote as they please and to express their opinions on all subjects.

Sec. 7. Section 70A.1, unnumbered paragraphs 1 and 7, Code 1997, 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 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 pay periods in the fiscal year. Salaries for state employees ~~other than annual salaries covered by the overtime payment provisions of the federal Fair Labor Standards Act~~ shall be established on an hourly basis.

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 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 accrual of additional vacation time by an employee for not using sick leave during a month is in lieu of the accrual of up to one and one-half days of sick leave for that month. ~~The personnel commission~~ director of the department of personnel may adopt 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 adopt necessary rules for the implementation of this program for its employees.

Sec. 8. Section 70A.16, subsection 2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A state employee who is reassigned shall be reimbursed for moving expenses incurred in accordance with rules and policies adopted by the director of the department of personnel ~~commission~~ when all of the following circumstances exist:

Sec. 9. Section 137.6, subsection 4, Code 1997, is amended to read as follows:

4. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of ~~the personnel commission~~ chapter 19A or any civil service provision adopted under chapter 400.

Sec. 10. Sections 19A.4, 19A.6, and 19A.7, Code 1997, are repealed.

Approved April 11, 1997