

following activities for any county in the board's ~~county-cluster~~ service area concerning emergency relief:

1. Cooperate with a county's board of supervisors in all matters pertaining to administration of relief.
2. At the request of a county's board of supervisors, prepare requests for grants of state funds.
3. At the request of a county's board of supervisors, administer county relief funds.
4. In a county receiving grants of state funds upon approval of the director of revenue and finance and the county's board of supervisors, administer both state and county relief funds.
5. Perform other duties as may be prescribed by the administrator and a county's board of supervisors.

Sec. 6. Section 251.7, Code 2001, is amended to read as follows:

251.7 COUNTY APPOINTEES TO ACT AS EXECUTIVE OFFICERS.

The county board of supervisors may appoint an individual to serve as the executive officer of the ~~county-cluster~~ service area advisory board in all matters pertaining to relief for that county.

Sec. 7. Section 252.6, Code 2001, is amended to read as follows:

252.6 ENFORCEMENT OF LIABILITY.

Upon the failure of such relatives to assist or maintain a poor person who has made application for assistance, the county board of supervisors, ~~county-cluster~~ service area advisory board created under section 217.43, or state division of child and family services of the department of human services may apply to the district court of the county where the poor person resides or may be found, for an order to compel the assistance or maintenance.

Sec. 8. Section 331.321, subsection 1, paragraph f, Code 2001, is amended to read as follows:

f. The members of the ~~county-cluster~~ service area advisory board in accordance with section 217.43.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved November 16, 2001

CHAPTER 5

STATE GOVERNMENT EMPLOYMENT — REDUCTIONS-IN-FORCE INITIATIVES

S.F. 551

AN ACT relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

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

Section 1. NEW SECTION. 70A.38 YEARS OF SERVICE INCENTIVE PROGRAM.

1. As used in this section, unless the context provides otherwise:
 - a. "Credited service" means service under the Iowa public employees' retirement system,

as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.

b. "Eligible employee" means an employee with ten or more years of credited service as of the date of termination from employment.

c. "Employee" means an employee of the executive branch of the state, including an employee of a judicial district department of correctional services or the department of justice. However, "employee" does not mean an employee of the state board of regents, or an elected official.

d. "Employer" means a department, agency, board, or commission within the executive branch of the state that employs employees.

e. "Participant" means an eligible employee who has been selected for participation in the years of service incentive program, who agrees to such participation, who is approved for participation, and who receives a termination incentive as provided by this section.

f. "Program" means the years of service incentive program established pursuant to this section.

g. "Regular annual salary" means an amount equal to the eligible employee's regular biweekly rate of pay as of the date of separation from employment multiplied by twenty-six.

h. "Termination incentive" means an amount equal to the lesser of two hundred fifty dollars for every quarter year of credited service of the eligible employee or the regular annual salary of the eligible employee.

2. An employer may offer a termination incentive to an eligible employee or eligible employees if the employer demonstrates that such an offer will assist the employer in effectively managing its resources. Prior to making the offer, the employer shall obtain approval to offer the program from the department of personnel. As part of the approval process, the employer shall submit a business plan to the department of personnel which shall be reviewed and approved by the department of management. The business plan shall show the savings that will accrue to the state as a result of the employee's or employees' participation in the program.

3. Upon obtaining approval from the department of personnel to offer the program, the employer shall inform each eligible employee in writing of the employee's opportunity to participate in the program. The written notice to the eligible employee shall provide a time deadline for acceptance of an offer, a proposed date by which the eligible employee who wishes to accept an offer would have to agree to terminate employment with the state, and other relevant information concerning the employee's rights relating to an offer, including the voluntary nature of an offer to the eligible employee as well as the consequences to the employee of accepting an offer.

4. To become a participant in the program, an eligible employee who receives an offer to participate in the program shall do all of the following:

a. Acknowledge in writing the employee's agreement to voluntarily terminate employment in exchange for payment of a termination incentive as provided in this section.

b. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

c. Acknowledge, in writing, that participation in the program waives any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official or as an employee of the state board of regents.

d. Agree to separate from employment with the state by the date agreed upon by the eligible employee and the employer which date is consistent with the business plan submitted by the employer.

5. Upon acceptance to participate in the program and separation from employment with the state by the date agreed upon, the participant shall be paid a termination incentive. The state shall pay to the participant, in a lump sum, the termination incentive and any other payments due the participant, if any, for accrued sick leave and vacation leave balances.

6. The department of personnel shall administer the program and shall adopt administrative rules to administer the program.

7. The legislative council shall provide a years of service incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. The benefit provided for employees under this subsection shall be no greater than that provided for executive branch employees.

8. This section is repealed June 30, 2003.

Sec. 2. 2001 Iowa Acts, First Extraordinary Session, chapter 5, section 2, is repealed.

Sec. 3. SICK LEAVE AND VACATION INCENTIVE PROGRAM.

1. As used in this section, unless the context provides otherwise:

a. "Credited service" means service under the Iowa public employees' retirement system, as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.

b. "Eligible employee" means an employee for which, but for participation in the program, the sum of the number of years of credited service and the employee's age in years as of December 31, 2002, equals or exceeds seventy-five.

c. "Employee" means an employee of the executive branch of the state who is not covered by a collective bargaining agreement, including an employee of a judicial district department of correctional services if the district elects to participate in the program, an employee of the state board of regents if the board elects to participate in the program, and an employee of the department of justice. However, "employee" does not mean an elected official.

d. "Participant" means a person who timely submits an election to participate, and does participate, in the sick leave and vacation incentive program established under this section.

e. "Program" means the sick leave and vacation incentive program established under this section.

f. "Regular annual salary" means an amount equal to the eligible employee's regular biweekly rate of pay as of the date of separation from employment multiplied by twenty-six.

g. "Sick leave and vacation incentive benefit" means an amount equal to the entire value of an eligible employee's accumulated but unused vacation plus the lesser of the entire value of the eligible employee's accumulated and unused sick leave or the employee's regular annual salary.

2. To become a participant in the program, an eligible employee shall do all of the following:

a. Submit by January 31, 2002, a written application, on forms prescribed by the department of personnel, seeking participation in the program.

b. Agree to waive any and all rights to receive payments of sick leave balances under section 70A.23 and accrued vacation balances in a form other than as provided in this section.

c. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

d. Acknowledge, in writing, that participation in the program waives any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official on or after February 1, 2002.

e. Agree to separate from employment with the state by February 1, 2002.

3. Upon acceptance to participate in the program and separation from employment with the state by February 1, 2002, a participant shall receive a sick leave and vacation incentive benefit. The state shall pay to the participant a portion of the sick leave and vacation incentive benefit each fiscal year for a period of five years commencing with the fiscal year ending June 30, 2002.

4. The department of personnel shall administer the program, including the determination of eligibility for participation in the program, and shall adopt administrative rules to administer the program. The department may adopt rules on an emergency basis under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement

this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

5. The legislative council shall provide an incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. The legislative council shall collaborate with the department of personnel to establish the program as required under this subsection as nearly as identical as possible to the program provided executive branch employees under this section. The program provided pursuant to this subsection shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

Sec. 4. EARLY TERMINATION PROGRAMS — MISCELLANEOUS PROVISIONS.

1. **DEFINITIONS.** For purposes of this section, unless the context otherwise requires:

a. "Early termination participant" means an eligible state employee who participates in an early termination program.

b. "Early termination program" means a sick leave and vacation incentive program as established or required in this Act and the similar early termination program established for state employees as established pursuant to a collective bargaining agreement entered into pursuant to chapter 20.

2. **GROUP INSURANCE ELIGIBILITY.** An early termination participant shall be eligible to continue participation in the group plan or under the group contract at the early termination participant's own expense in the same manner as a retired employee pursuant to section 509A.13. In addition, an early termination participant shall be deemed an eligible retired state employee for purposes of eligibility for continuation of group insurance covering spouses as provided in section 509A.13A.

3. **RELEASE OF RECORDS.** Notwithstanding any provision of chapter 22 or section 97B.17 to the contrary, records of the department of personnel maintained for the operation of the Iowa public employees' retirement system may be released to the directors, agents, and employees of the legislative fiscal bureau, the department of revenue and finance, the department of management, and the department of personnel, for the purposes of administering and monitoring an early termination program. A person receiving a record pursuant to this subsection shall maintain the confidentiality of any information otherwise required to be kept confidential and shall be subject to the same penalties as the custodian of the records for the public dissemination of such information. The authority to request a record as provided pursuant to this subsection shall cease June 30, 2002.

4. **REPORTING REQUIREMENTS.** The department of personnel, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative fiscal bureau and the fiscal committee of the legislative council, by March 15, 2002, and a final report by October 1, 2002, concerning the operation of early termination programs. The department shall also submit an annual update concerning the early termination programs by October 1 of each year for four years, commencing October 1, 2003. The reports shall include information concerning the number of early termination program participants, the cost of the early termination program including any payments made to participants, the number of state employment positions eliminated pursuant to an early termination program, the number of positions vacated by an early termination program participant that have been refilled, and the savings to the state based upon the early termination program.

Sec. 5. **WORKFORCE ATTRITION FUND TRANSFER.** Moneys in or due the workforce attrition fund established pursuant to 2001 Iowa Acts, First Extraordinary Session, chapter 5, as of the effective date of this Act shall be transferred to the general fund of the state no later than January 1, 2002, and the fund shall be abolished.

Sec. 6. **INITIATIVES FOR STATE GOVERNMENT PRODUCTIVITY — SPAN OF CONTROL AND JOB CLASSIFICATION SYSTEM.** It is the intent of the general assembly to maximize the productivity of the state's workforce and increase Iowans' confidence in the

value of their investment in state government. To accomplish these goals, the following initiatives shall be completed:

1. **SPAN OF CONTROL.** The department of personnel, in consultation with the department of management and after discussion and collaboration with executive branch agencies, shall pursue a goal of increasing the ratio of the number of employees per supervisor for executive branch agencies in the aggregate to twelve employees for one supervisor by December 31, 2002.

2. **JOB CLASSIFICATION SYSTEM.** The department of personnel, in consultation and collaboration with executive branch agencies and employee organizations representing employees of executive branch agencies, shall evaluate the state's system of job classification for state employees in order to ensure the existence of technical skill-based career paths in state government which do not depend on an employee gaining supervisory responsibility to gain advancement, and which provide incentives for state employees to broaden their knowledge and skill base. The department shall include in its review the elimination of obsolete, duplicative, or unnecessary job classifications.

The department shall present an interim report to the governor and the general assembly by September 1, 2002, and a final report by February 1, 2003, concerning the progress made by the department in completing both initiatives and any recommendations and ongoing efforts by the department to meet each initiative.

Sec. 7. **NONCONTRACT EMPLOYEE ACROSS-THE-BOARD WAGE INCREASE DELAY.** Any across-the-board wage increases for employees not covered by a collective bargaining agreement, which would otherwise take effect at the beginning of the pay period in which July 1, 2002, falls, shall be delayed until the pay period in which November 1, 2002, falls.

Sec. 8. **EFFECTIVE DATES.**

1. Sections 2, 3, 4, 5, 6, and 7 of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 1 of this Act, establishing Code section 70A.38, takes effect July 1, 2002.

Approved November 19, 2001

CHAPTER 6

MISCELLANEOUS FUNDING RESTORATION, REDUCTIONS, AND OTHER PROVISIONS

H.F. 759

AN ACT relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

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

DIVISION I EXECUTIVE BRANCH

Section 1. **STANDING APPROPRIATIONS.** After applying the reduction made pursuant to executive order number 24¹ to the appropriations for the following designated pur-

¹ Published in IAB, XXIV, 11, November 28, 2001, page 859