

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

**Rule making related to blood, bone marrow,
and living organ donation leave for state employees**

The Administrative Services Department hereby amends Chapter 63, “Leave,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 8A.104, 8A.413(20), 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 70A.39 as amended by 2021 Iowa Acts, Senate File 336.

Purpose and Summary

These amendments update Chapter 63, “Leave,” to comport with changes to the Iowa Code made by 2021 Iowa Acts, Senate File 336, which relates to the blood, bone marrow, and living organ donation incentive program for state employees. These amendments update terms to align with this legislation. In addition, they include procedures appointing authorities may take to ensure adequate staffing in the event of blood donation requests.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5980C**. A public hearing was held on November 9, 2021, at 10 a.m. in the Procurement Conference Room, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa. No one attended the public hearing. No public comments were received.

References to 2021 Iowa Acts, Senate File 336, have been removed since the amendments in the Senate File will have been codified by the time this rule making becomes effective. No other changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on November 24, 2021.

Fiscal Impact

A fiscal impact cannot be determined because it is impossible to know how many State employees will elect to donate blood and how often. In addition, the Department cannot predict how often or how many employees will donate bone marrow or a living organ and thus cannot estimate the total amount of leave taken from work.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 19, 2022.

The following rule-making action is adopted:

Amend rule 11—63.20(8A,70A) as follows:

11—63.20(8A,70A) Bone Blood, bone marrow, and living organ donation leave. Employees, excluding employees covered by a collective bargaining agreement that provides otherwise, shall be granted leave pursuant to Iowa Code section 70A.39. An employee who is granted a leave of absence under Iowa Code section 70A.39 shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. To ensure adequate staffing, an appointing authority may require employees to request leave, in advance, to serve as a voluntary blood donor pursuant to Iowa Code section 70A.39(2)“c.” An employee who requests leave to serve as a voluntary blood donor pursuant to Iowa Code section 70A.39(2)“c” may be denied such leave by the appointing authority if granting the leave would unreasonably impact the operational efficiency of the agency. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. An employee deemed to be on leave under Iowa Code section 70A.39 shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of the Iowa tort claims Act, Iowa Code chapter 669.

[Filed 11/24/21, effective 1/19/22]

[Published 12/15/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/15/21.