

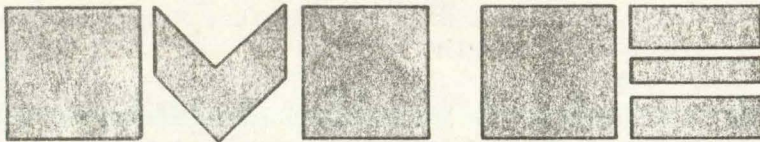
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# Department of Personnel

Final Task Force Report

**submitted  
January, 1981**





IOWA MERIT EMPLOYMENT DEPARTMENT

GRIMES STATE OFFICE BUILDING EAST FOURTEENTH & GRAND DES MOINES, IOWA 50319

-Foreward-

Despite the nationally recognized leadership of the Iowa Merit Employment Department in the field of public personnel administration, there have been long-standing concerns about the problems of fragmentation and inconsistency in the total personnel management of Iowa State government. With the advent of collective bargaining and the growth of several personnel systems and functions within the framework of Iowa State government, there have been numerous studies and reviews of personnel operations which have unanimously recommended some basic revisions.

A Task Force was appointed in August, 1980, which was to look at the problems associated with the various Iowa personnel operations, work through the issues, and develop a proposal for a new Department of Personnel. The goals included: integration and coordination of all personnel management functions; uniform and consistent administration; greater flexibility, responsiveness, and streamlining of the system for user groups and the public; and an ongoing planning and problem resolution forum through interaction of user agencies and the new department.

Altogether there were sixteen Task Force sessions which involved approximately seventy hours together and probably half again that much time spent individually or in sub-groups doing research, reporting, hearings, discussing, writing, and recapping. Although some differences of opinion were expressed initially, compromises and balances were eventually achieved.

The recommendation was finalized in early November and has undergone considerable review and some revision by agency directors, the Executive Council and the Governor since that time. It is the belief of the majority of those working on the bill that this current version provides for a decidedly improved and more effective personnel management system. Inter-agency cooperation and effort have produced a bill that the majority can support and will want to help implement.

Following is a complimentary copy of the proposed bill.  
For reference, the items included in this package are:

- Executive Summary of the Proposed Bill
- Chapter 19A, Code 1979
- Proposed Bill for a New Department of Personnel

Fran Van Winkle, Chair  
Personnel Department Task Force  
January 30, 1981

EXECUTIVE SUMMARY

PROPOSED STATE DEPARTMENT OF PERSONNEL Bill



EXECUTIVE SUMMARY  
PROPOSED STATE DEPARTMENT OF PERSONNEL BILL  
January 30, 1981

The three-month work of the Personnel Task Force was completed in November, 1980, and since then the proposed bill has undergone considerable review and revision by a group of Department Directors chaired by the State Comptroller. The Task Force was composed of representatives of various agencies in state government and a representative of the federal Office of Personnel Management, St. Louis Region. (See list on final page). To facilitate the review process that this proposal will undergo, this summary is offered.

It seems safe to conclude that this proposal in its entirety has the consensual acceptance of the Personnel Task Force and the Department Directors' group. This does not mean, however, that legitimate reservations were not held on specific sections of the proposed Bill by several of the Task Force members. "Minority Reports" were written on the appropriate sections of the bill and were given consideration in the review process by the Department Directors' group.

Language for some sections, especially that which related to exceptions (exemptions), represents a significant compromise from some initially held positions. Consequently the final product might be the second or even third best option in the considered opinion of an individual Task Force member. Nevertheless, the Task Force as a whole subscribes to the belief that the proposed revisions constitute a decidedly strengthened personnel management system. This has been accomplished by providing for a clearer delineation of the responsibilities, roles and relationships that will exist between the central personnel agency, the system for which it is accountable, and the agencies that use it. Within this strengthened system, provision has been made for greater user agency flexibility and communication in managing personnel activities.

Throughout its work the Task Force was guided by the recommendations of the Governor's Economy Committee, suggestions from the Comptroller, review by the federal Office of Personnel Management, personnel study by the Director of Merit Employment, user agency interests and the principles of contemporary public personnel management. Some of the finest personnel expertise both inside and outside State government went into the research and development of the bill. A considerable store of knowledge was built about the problems, successes, philosophy and operations of the management of our human resources in State government. This shared understanding became the basis for some of the balances and compromises incorporated in the bill.





## Summary of Key Provisions

### 19A.3 Applicability - Exemptions

According to the recommended bill, several additional agencies would become either partially or fully covered by the State's central personnel management system: the Blind Commission, Iowa Public Broadcasting Network, the Development Commission, the Vocational Rehabilitation Branch of the Department of Public Instruction, State Auditor's Office, the Crime Commission, the Public Employment Relations Board, the Attorney General's Office and all employees currently covered by the Board of Regents merit system as well as non-academic professional and scientific staff employed in various Board of Regents institutions. Approximately 14,000 additional positions and ten additional agencies would be covered. This would bring the total of covered positions to approximately 40,000.

Partial coverage and services of the State's central personnel management system would be provided to Peace Officers of the Department of Public Safety, those positions within the Department of Public Instruction that require a current and valid teaching certificate, all practicing physicians and psychiatrists, division directors in principal administrative policy-making positions, as well as elected officials in the executive branch. The Department of Personnel would provide basic document processing services for such positions and employees.

#### Comment:

Of the issues considered this was undoubtedly the most difficult and controversial. The proposed language is the result of compromise and reflects the Task Force's efforts to balance differing, if not conflicting, viewpoints. It represents the furthest point of compromise the members of this appointed group felt they could go and not exceed their responsibility to represent agency interests while working toward the objectives established for the Task Force. The changes in this section are made primarily to bring about a more uniform and consistent administration of State personnel.

#### 19A.5 Director - Appointment, Qualifications and Removal

In Section 19A.4, a successor agency to the Merit Employment Department is created. This section provides for the appointment by the Governor of a qualified person to serve as Director of the Department of Personnel subject to conformation by the Senate. The Director will serve at the pleasure of the Governor.

#### Comment:

The feeling of the Task Force was that, since overall responsibility for the State's personnel management system was so closely tied to Executive Branch policy-making, the Director should be, like many other major Department directors subject to appointment and removal by the Governor rather than the Board. This concurs with the recommendation of the Governor's Economy Committee.

#### 19A.6 State Personnel Board - Membership, Organization and Duties

A State Personnel Board is established within the Department of Personnel. However, no superior or subordinate relationship exists between the Board or its members and the Director of the Department of Personnel. Board members are part-time and appointed by the Governor subject to confirmation by the Senate. Persons appointed to the Board must be knowledgeable in the field of personnel management. Other qualifications follow those currently required for membership on the Merit Employment Commission.

The primary responsibility of the Board is to adjudicate employee's appeals and grievances with the assistance of hearing officers. The Board may advise the Governor, Legislature and Director of Personnel on personnel management related issues and shall represent the public interest in the improvement of personnel administration in the State.

#### Comment:

While recognizing that a Board is conducive to impartial resolution of employee appeals and grievances, the Task Force felt that such a Board, because it was part-time, would need the assistance of hearing officers if it was to professionally and effectively discharge its responsibilities.

In the interest of expediting user agency requests for advanced appointment rates, class and pay plan changes, detail to special duty, extra meritorious increases, etc. the Task Force gave those responsibilities to the Director of Personnel rather than the Board for that official final action.

#### 19A.7 Duties of the Department

This Section authorizes the Department of Personnel to establish and provide central direction for the State's personnel management programs. It extends the scope of services and programs to include currently fragmented or non-existent functions which the Governor's Economy Committee recommended as cost-effective moves. Among the additional programmatic responsibilities are: collective bargaining, management development and employee training, productivity and organizational effectiveness, equal employment opportunity and affirmative action, personnel management system evaluation, employee communications, safety program, and human resource data base. The Department is also charged with providing coordination for employee benefit programs. These were generally in keeping with the recommendations of the Governor's Economy Committee.

#### Comment:

It was concluded by the Task Force that the central personnel agency, in consultation with user agencies, should establish and maintain overall programmatic direction for the State's personnel management system. The proposed language of Section 7 mandates the Department of Personnel to have the responsibility for several management programs that can only be inferred from the current language of 19A as being the responsibility of the Merit Employment Department. It is expected that this clarification of responsibility will result in a more cohesive and integrated system for the State.

In the field of employee retirement programs, the Task Force felt that the Department of Personnel could not be expected to do more than begin to gather information on the various systems in this area, so as to be able to serve as a center of information and coordination, with possible legislative recommendations proposed at a later date.

#### 19A.8 Duties of the Director

In addition to directing the activities of the Department, and being responsible for the State's personnel management system, the Director serves as the Governor's and Legislature's chief advisor on personnel management related issues. Additionally, the position is charged with the responsibility to conduct investigations, make recommendations and direct corrective action. And finally, the Director is charged with the responsibility to organize and coordinate a Personnel Management Advisory Council composed of user agencies.

#### Comment:

If the concept of a strengthened yet more integrated personnel system is to be a reality, it is going to depend in large measure on the ability of the Director of Personnel to function effectively with the Governor, the Legislature and the user agencies. The mechanism for accomplishing this is established in this section.

#### 19A.9 Rules Adopted

There are several additional areas that now by statute would require the promulgation of rules. Most significant among these are in the areas of performance planning and evaluation, disciplinary actions based on the principles of just cause and progressive discipline, and a code of ethics. A significant change is the limitation of veterans' preference to the original appointment only, rather than as now for original and promotional appointments. Another change provides for special internship programs.

#### Comment:

The veterans' preference issue is potentially sensitive. Although for many it is increasingly difficult to justify veterans' preference beyond the original appointment, it is often politically difficult to get legislatures to approve limiting benefits for veterans.

### 19A.11 Interagency Cooperation

This Section authorizes the decentralization of any responsibilities and authorities conferred on the Director of Personnel or the Department to other appointing authorities.

#### Comment:

Although a short section, this provision has the potential for becoming the statutory authorization for centralizing and decentralizing the State's personnel management system in accordance with the State's needs. It can also provide the means for transitioning recently covered agencies and positions into the central personnel system.

### 19A.13 Appeals to Appointing Authority and the Board

See summary and comments under 19A.17.

### 19A.14 Public Records

This section now includes applications for employment as confidential records.

### 19A.17 Discrimination Prohibited

The forms of these two Sections (19A.13 and 19A.17) delineates what rights of appeal in disciplinary cases a non-bargaining unit employee has and the time limits within which those rights must be exercised. Likewise, in cases of alleged discrimination, the appeal process for applicants and employees is clearly stated. Bargaining unit employees with non-discrimination articles in their negotiated agreements are excluded from this avenue of redress.

#### Comment:

Both of these sections codify and clarify the State's appeal processes and should eliminate confusion over which agency has jurisdiction over hearing appeals in cases of alleged discrimination. It also eliminates an agency's potential for administrative "double jeopardy" since it provides for a one track appeal system.

Transition

The final sections of the bill provide for the transition of current State employees and positions to coverage under the new Department and provide status for those currently holding a fully covered position who would be holding a partially covered position under the provisions of this Act. Provisions are also made for those people in the executive branch not currently covered by a merit system to be granted status based upon their continuous state service at the time of transition. In the face of many other changes surrounding implementation, it will be important that the transition of personnel be as orderly and uncomplicated as possible. Effective date is July 1, 1983.

PERSONNEL DEPARTMENT TASK FORCE 8/4/80 - 11/5/80

Fran Van Winkle, Chair

Department of Transportation - Tom Sally

Department of Social Services - Tom Maudsley

Department of Revenue - Richard Markham/Dave Griffiths

Job Service of Iowa - Shirley Miller

Department of Public Instruction - Jim Mitchell

Department of General Services - Cindy Morton

Office of the State Comptroller - Helyne Fiscel

Department of Public Safety - Wayne Peterson

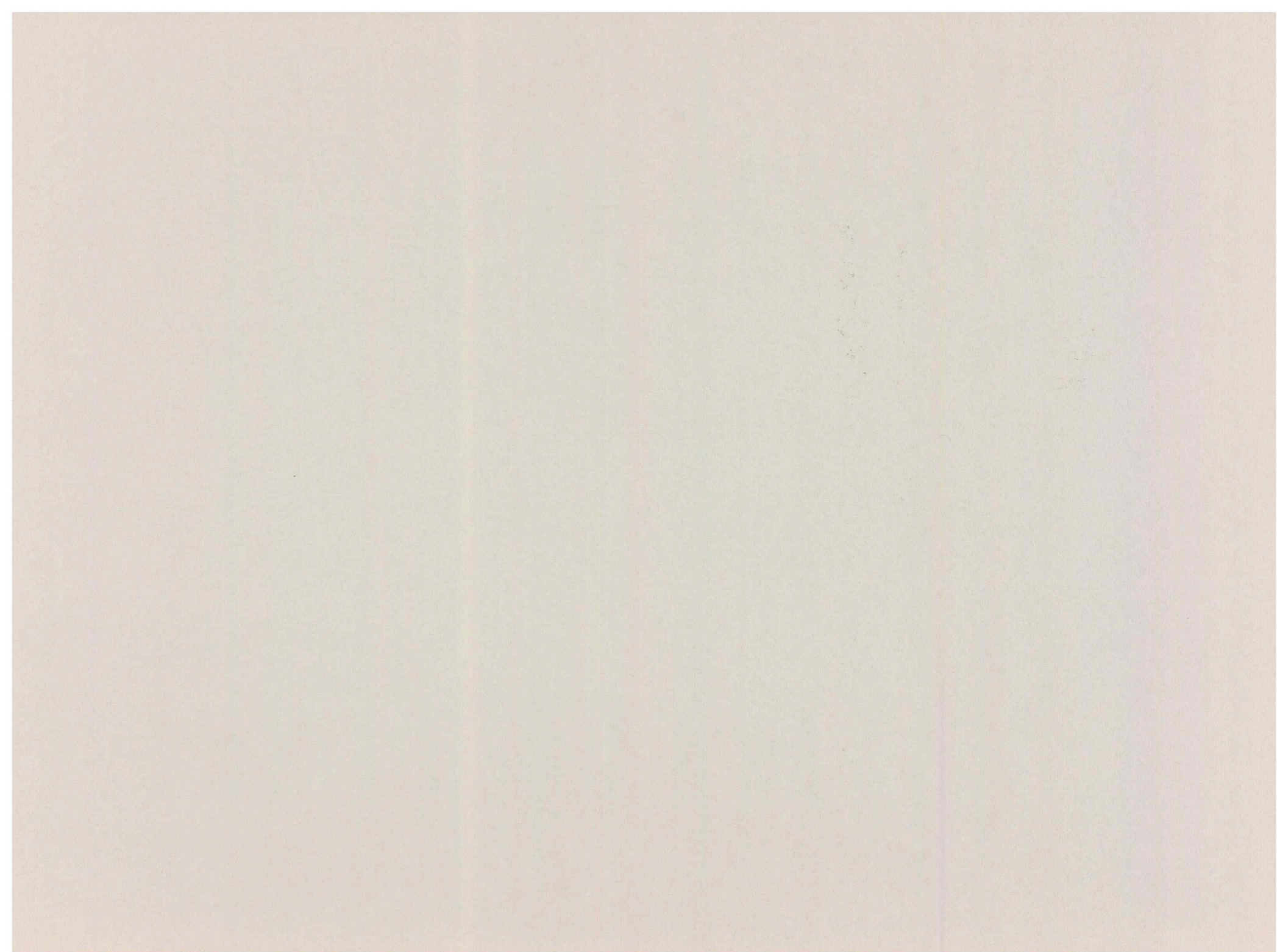
Merit Employment Department - Ray Wilson  
Clint Davis

Board of Regents - Don Volm

U.S. Office of Personnel Management, St. Louis Region -  
Tom Donahue

Member-at-Large: Dan Adair

CURRENT CHAPTER 19A, Code of Iowa  
MERIT SYSTEM of PERSONNEL ADMINISTRATION





## CHAPTER 19A

### STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Referred to in §§7A.1, 17A.11, 18.8, 18.74, 18.115, 18.163, 20.5, 20.18, 47.8, 56.9, 88.2, 88A.6, 89.1, 91A.9, 93.3, 96.11(4), 103A.6, 104.4, 123.20(5), 135C.16, 135C.13, 147.98, 147.103, 147.114, 147.116, 157.7, 158.6, 217.23, 220.6, 257A.7, 303.6—303.8, 303A.5, 303A.6, 307.12, 307A.8, 455B.2, 455B.3, 502.601, 524.208, 601H.4, 691.1

The Iowa merit employment commission shall promulgate rules to carry out such reassignment or transfer and shall arbitrate and decide any written appeal made by any employee concerning any transfer, reassignment, or reclassification made necessary by the department of transportation Act. No employee shall lose any benefits he may have accrued, including but not limited to salary, retirement, vacation, sick leave, or longevity, because of reassignment; see 65GA, ch 1180, §199.

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|--------|--|--------|---|
| 19A.1  | General purpose.                             | 19A.14 | Appeal to appointing authority.                           |
| 19A.2  | Definitions.                                 | 19A.15 | Records public.   |
| 19A.3  | Applicability—exceptions.                    | 19A.16 | Services to political subdivisions.                       |
| 19A.4  | Merit employment department created.         | 19A.17 | Oaths and subpoenas.                                      |
| 19A.5  | Director—appointment and removal.            | 19A.18 | Discrimination prohibited.                                |
| 19A.6  | Qualifications of commissioners—appointment. | 19A.19 | Prohibited actions.                                       |
| 19A.7  | Commission duties.                           | 19A.20 | Penalty.  |
| 19A.8  | Director's duties.                           | 19A.21 | Acceptance of grants.                                     |
| 19A.9  | Rules adopted.                               | 19A.22 | Collective bargaining agreements—other inconsistent laws. |
| 19A.10 | Use of buildings for examinations, etc.      | 19A.23 | Longevity pay prohibited—exception.                       |
| 19A.11 | Aid by state employees—records and informa-  |        |   |
| 19A.12 | All two-year employees covered.              |        | FEDERAL PROGRAMS EXEMPT                                   |
| 19A.13 | Certification of payrolls—actions.           | 19A.24 | Temporary emergency employment.                           |



19A.25 Political activity prohibited.

19A.26 Penalty applicable.

**19A.1 General purpose.** The general purpose of this chapter is to establish for the state of Iowa a system of personnel administration based on the merit principles and scientific methods governing the appointment, promotion, welfare, transfer, layoff, removal and discipline of its civil employees, and other incidents of state employment. All appointments and promotions to positions in the state service shall be made solely on the basis of merit and fitness, to be ascertained by competitive examinations, except as hereinafter specified. [C71, 73, 75, 77, §19A.1]

Referred to in §19A.24

**19A.2 Definitions.** When used in this chapter, unless the context otherwise requires:

1. "Department" means the Iowa merit employment department.
2. "Director" means the director of the Iowa merit employment department.
3. "Commission" means the Iowa merit employment commission.
4. "Merit system" means the merit system established under this chapter.
5. "Appointing authority" means the chairman or person in charge of divisions of the state government including, but not limited to, boards, bureaus, commissions, departments and other divisions or an employee designated to employ persons by such an appointing authority. [C71, 73, 75, 77, §19A.2]

Referred to in §19A.24

**19A.3 Applicability—exceptions.** The merit system shall apply to all employees of the state and to all positions in the state government now existing or hereafter established except the following:

1. The general assembly, employees of the general assembly, other officers elected by popular vote, and persons appointed to fill vacancies in elective offices.
2. All board members and commissions whose appointments are otherwise provided for by the statutes of the state of Iowa, and one stenographer or secretary for each full-time member of each board and commission, and one principal assistant or deputy in each department.
3. Three principal assistants or deputies for each elective official and one stenographer or secretary for each elective official and each principal assistant or deputy thereof, also all supervisory employees and their confidential assistants.
4. The personal staff of the governor.
5. All employees under the supervision of the attorney general or his assistants.
6. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents.
7. The superintendent of public instruction and members of the professional staff of the department of public instruction, appointed under the provisions of section 257.24, who possess a current, valid teach-

er's certificate or who are assigned to vocational activities or programs.

8. Patients or inmates employed in state institutions or persons on parole employed in work experience positions in state government for a period of time not to exceed one year.

9. Persons employed by the commission for the blind and the division of vocational rehabilitation or any successor thereto.

10. Part-time professional employees who are paid a fee or who are under contract for service basis and are not engaged in administrative duties.

11. Officers and enlisted personnel of the armed services under state jurisdiction.

12. All judges and all employees of the courts.

13. All physicians, psychiatrists, and heads of institutions under the jurisdiction of the department of social services.

14. All appointments other than boards or commissions which are by law made by the governor or executive council; one stenographer or secretary for each; one principal assistant or deputy for each; and all administrative assistants or deputies employed by the director of the Iowa development commission.

15. Members of the Iowa highway safety patrol and other peace officers employed by the department of public safety.

16. Employees of the educational radio and television facility board.

17. Summer employment appointments during the period May 15 through September 15.

18. The administrative head of each of the divisions of the department of social services.

19. The director of transportation, his deputy, and his divisional administrators, one secretary or stenographer for each, and one administrative assistant or deputy for each.

20. The chief administrative officer of each board or commission who is appointed by the board or commission and one stenographer or secretary for the chief administrative officer.

21. Employees of the public employment relations board.

Nothing in this section shall authorize the employment of any stenographer, secretary, assistant or deputy not otherwise authorized by law.

Nothing herein shall be construed as precluding the appointing authority from filling any position in the manner in which positions in the merit system are filled.

The state board of regents and the educational radio and television facility board shall adopt rules for their employees, which rules shall not be inconsistent with the objectives of this chapter, and which shall be subject to approval of the Iowa merit employment commission. If at any time the director determines that the board of regents merit system or the educational radio and television facility boards merit system does not comply with the intent of this chapter, he, subject to the approval of the commission, shall have authority to direct correction thereof and the

rules of the board shall not be in compliance until the corrections are made.

Institutions under the department of social services shall be authorized to qualify and employ applicants under rules adopted by the commission. [C71, 73, 75, 77, §19A.3; 67GA, ch 154, §26]

Referred to in §§17A.11, 19A.24, 56.9, 96.11, 224B.4, 249B.5

**19A.4 Merit employment department created.** There is hereby established a department of merit employment to be known as the "Iowa merit employment department," the executive head of which shall be the director of merit employment. In the department there shall be a merit employment commission of five members with the powers and duties hereinafter enumerated. The provisions of section 8.23 shall apply to this department. [C71, 73, 75, 77, §19A.4]

Referred to in §19A.24

**19A.5 Director—appointment and removal.** The merit employment commission shall appoint a director of merit employment who shall be experienced in the field of personnel administration, and who is in known sympathy with the application of merit principles in public employment. The commission shall establish for the class of director, minimum requirements of education and experience which are pertinent to the duties of the position. The restrictions as to political activity of the members of the commission shall likewise apply to the director. The director of merit employment shall serve at the pleasure of the commission. [C71, 73, 75, 77, §19A.5]

Referred to in §19A.24

**19A.6 Qualifications of commissioners—appointment.**

1. The members of the commission shall be citizens of the United States and residents of Iowa and shall be in sympathy with the application of merit principles to public employment. No member of the commission shall be a member of any local, state, or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for any paid elective public office. The commission shall be nonpartisan in its scope and function, it being provided, however, that no more than three members thereof shall be from the same political party.

2. The governor shall appoint members of the merit employment commission. Members appointed to the commission shall be subject to approval of two-thirds of the members of the senate. The merit employment commission appointed shall hold office in the following manner: One member until July 1, 1969, one member until July 1, 1971, and one member until July 1, 1973.\* Thereafter, each member shall be appointed for a term ending six years from the date of expiration of the term for which his predecessor was appointed. Where a vacancy may exist, the governor shall appoint for the unexpired portion of the term, and if the general assembly is not then in session, the governor shall, upon the convening of the general assembly, promptly report the appointment to the senate for confirmation.

\*Three original members. Two additional members terms one to serve until July 1, 1973 and one to serve until July 1, 1975.

3. A member of the commission may be removed by the governor only for cause, after being given a copy of charges against him and an opportunity to be heard publicly on such charges before the governor. A copy of the charges and transcript of the record of the hearing shall be filed with the secretary of state.

4. Members of the commission shall receive per diem while engaged in their official duties, the same rate as paid members of the general assembly. They shall be paid their actual and necessary travel and other official expenditures necessitated by their official duties.

5. The commission shall elect one of its members as chairman. It shall meet at such time and place as shall be specified by call of the chairman or the director. At least one meeting shall be held bimonthly. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the director at least three days in advance of the meeting. Three commissioners shall constitute a quorum for the transaction of business. [C71, 73, 75, 77, §19A.6]

Referred to in §19A.24

**19A.7 Commission duties.** In addition to the duties expressly set forth elsewhere in this chapter, the commission shall:

1. Represent the public interest in the improvement of personnel administration in the state merit system.

2. Advise the governor and the director on problems concerning personnel administration.

3. Foster the interest of institutions of learning and of industrial, civic, professional, and employee organizations in the improvement of personnel standards in the state merit system.

4. Make any investigation which it may consider desirable concerning the administration of personnel in the state merit system and make recommendations to the director with respect thereto.

5. Make an annual report and special reports and recommendations to the governor. [C71, 73, 75, 77, §19A.7]

Referred to in §19A.24

Annual report, §17.4

**19A.8 Director's duties.** The director, as executive head of the department, shall direct and supervise all of the administrative and technical activities of the department. In addition to the duties imposed by the director elsewhere in this chapter, it shall be his duty:

1. To apply and carry out this law and the rules adopted thereunder.

2. To attend meetings of the commission and to act as its secretary and keep minutes of its proceedings.

3. To establish and maintain a roster of all employees in the state merit system in which there shall be set forth, as to each employee, the class title, pay or status, and other pertinent data.

4. To appoint such employees of the department and such experts and special assistants as may be necessary to carry out effectively the provisions of this chapter. Staff employees shall be appointed in accordance with the provisions of this chapter.

5. To foster and develop, in co-operation with appointing authorities and others, programs for the im-

provement of employee effectiveness, including training, safety, health, counseling, and welfare.

6. To encourage and exercise leadership in the development of effective personnel administration within the several departments in the state merit system, and to make available the facilities of the department of merit employment to this end.

7. To investigate the operation and effect of this law and of the rules made thereunder and to report semiannually his findings and recommendations to the commission.

8. To make an annual report to the commission regarding the work of the department and such special reports as he may consider desirable.

9. To perform any other lawful acts which he may consider necessary or desirable to carry out the purposes and provisions of this chapter.

The director shall designate, with the approval of the commission, an employee of the department to act for him in his absence or inability from any cause to discharge the powers and duties of this office.

The director shall utilize appropriate persons, including officers and employees in the state merit system to assist in the preparation and rating of tests. The director shall confer with agency personnel to assist in preparing examinations for professional and technical classes. An appointing authority may excuse any employee in his division from his regular duties for the time required for his work as an examiner. Such officers and employees shall not be entitled to extra pay for their services as examiners but shall be paid their necessary traveling and other expenses.

The director shall quarterly render a statement to those covered departments which operate in whole or in part from other than general fund appropriations for a pro rata share of the cost of administration of the merit employment department. Such expense shall be paid by the state departments or agencies in the same manner as other expenses of such department are paid and the moneys received shall be deposited in the general fund of the state. [C71, 73, 75, 77, §19A.8]

Referred to in §19A.24

**19A.9 Rules adopted.** The merit employment commission 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. The rules shall provide:

1. For the preparation, maintenance, and revision of a position classification plan from a schedule by separate department for each position and type of employment not otherwise provided by law in state government as approved by the executive council for all positions in the merit system, based upon duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class, in the same geographical area. After such classification has been approved by the commission, the director shall allocate the position of every employee in the merit system to one of the classes in the plan. Any employee or agency officials affected by the allocation of a position to a class shall, after filing with the director a

written request for reconsideration thereof in such manner and form as the director may prescribe, be given a reasonable opportunity to be heard thereon by the director. An appeal may be made to the commission or to a qualified classification committee appointed by the commission. No allocation or reallocation of a position by the director to a different classification shall become effective if such allocation or reallocation may result in the expenditure of funds in excess of the total amount budgeted for the department of the appointing authority until approval has been obtained from the state comptroller.

Whenever the public interest may require 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 such position or type of employment, the governor with the approval of the executive council, acting in good faith, shall so notify the commission. Thereafter such position or type of employment shall stand abolished or created and the number of employees therein reduced or increased. Schedules of positions and type of employment not otherwise provided by law shall be reviewed at least once each year by the governor and submitted to the executive council for continuing approval.

2. For a pay plan within the purview of an appropriation made by the general assembly and not otherwise provided by law for all employees in the merit system, after consultation with appointing authorities with due regard to the results of a collective bargaining agreement negotiated under the provisions of chapter 20 and after a public hearing held by the commission. Such pay plan shall become effective only after it has been approved by the executive council after submission from the commission. Review of the pay plan for revisions shall be made in the same manner at the discretion of the director, but not less than annually. The annual review by the director shall be made available to the governor a sufficient time in advance of collective bargaining negotiations to permit its recommendations to be considered during such negotiations. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which employed and, unless otherwise designated by the commission, shall begin employment at the first step of the established range for the employee's class. Unless otherwise established by law, the governor, with the approval of the executive council, shall establish a pay plan for all exempt positions in the executive branch of government except for employees of the governor, board of regents, the state educational radio and television facility board, the superintendent of public instruction and members of the professional staff of the department of public instruction, appointed under the provisions of section 257.24, who possess a current, valid teacher's certificate or who are assigned to vocational activities or programs, the commission for the blind, members of the Iowa highway safety patrol and other peace officers, as defined in section 97A.1, employed by the department of public safety, and officers and enlisted personnel of the armed services under state jurisdiction.

Referred to in §§114.9, 116.3, 118.2, 118A.5, 120.3, 147.102, 152.2, 313.4

3. For open competitive examinations to test the relative fitness of new applicants for the respective positions. Such examinations shall be practical in character and shall relate to such matters as will fairly test the ability of the applicant to discharge the duties of the position to which appointment is sought.

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

Examinations need not be held until after the rules have been adopted, the service classified, and a pay plan established, but shall be held no later than one year after September 1, 1967. Such examinations shall be announced publicly at least fifteen days in advance of the date fixed for the filing of applications therefor, and shall be advertised through the communications media. The director may, however, in his discretion, continue to receive applications and examine candidates for a period adequate to assure a sufficient number of eligibles to meet the needs of the system, and may add the names of successful candidates to existing eligible lists in accordance with their respective ratings.

4. For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, and conduct. Vacancies shall be filled by promotion whenever practicable and in the best interest of the system and shall be by competitive or noncompetitive examination. Such examinations shall be of the same nature and content as those used in establishing competitive registers for the class. A promotion means a change in the status of an employee, from a position in one class to a position in another class having a higher entrance salary.

5. For the establishment of eligible lists for appointment and promotion, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility for appointment from any such list shall continue for at least one year and not longer than three years.

6. For the rejection of candidates or eligibles who fail to comply with reasonable requirements such as physical condition, training and experience, or who are habitual criminals or alcoholics who have not been rehabilitated from the use of alcohol for a period of six months, or addicted to narcotics, or who have attempted any deception or fraud in connection with an examination.

7. For the appointment by the appointing authority of a person standing among the highest ten percent on the appropriate eligible list to fill a vacancy or among highest five if there are less than fifty on the list.

8. For a probation period of six months, excluding educational or training leave, before appointment may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. The appointing authority shall within ten days prior to the expiration of an employee's probation period notify the director in writing whether the services of the employee have been satisfactory or unsatisfactory. If the employee's

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

9. For emergency employment for not more than sixty calendar days in any twelve-month period without examination, and for intermittent employment for not more than one hundred twenty calendar days in any twelve-month period. For intermittent employment the employee must have had a probationary, permanent, or temporary appointment.

10. For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than one hundred eighty calendar days nor shall successive provisional appointments be allowed, except during the first two years after September 1, 1967 in order to avoid stoppage of orderly conduct of the business of the state.

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 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.

12. For reinstatement of persons who have attained permanent status and who resign in good standing or who are laid off from their positions without fault or delinquency on their part, within a period equal to the period of their continuous employment with the state but for a period of not longer than two years.

13. For establishing in co-operation with the appointing authorities a system of service records of all employees in the classified service, which service records shall be considered in determining salary increases provided in the pay plan; as a factor in promotion tests; as a factor in determining the order of layoffs because of lack of funds or work and in reinstatement; as a factor in demotions, discharges or transfers; and for the regular evaluation, at least annually, of the qualifications and performance of all employees in the classified service.

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 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 classification.

15. For imposition, as a disciplinary measure, of a suspension from the service without pay for not longer than thirty days.

16. For discharge, suspension, or reduction in rank or grade for any of the following causes: Failure to perform assigned duties, inadequacy in performing assigned duties, negligence, inefficiency, incompe-

tence, insubordination, unrehabilitated alcoholism or narcotics addiction, dishonesty, any act or conduct which adversely affects the employee's performance or the agency employing him, and 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 his discharge, suspension, or reduction within twenty-four hours after the discharge, suspension, or reduction. A copy thereof shall be filed with the director. All persons concerned with the administration of this chapter shall use their best efforts to insure that this chapter and rules hereunder shall not be a means of protecting or retaining unqualified or unsatisfactory employees, and to cause the discharge, suspension, or reduction in rank of all employees who should be discharged, suspended, or reduced for any of the causes stated in this subsection.

17. For establishment of a uniform plan for resolving employee grievances and complaints.

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. Annual sick leave and vacation time shall be granted in accordance with section 79.1.

19. For the development and operation of programs to improve the work effectiveness and morale of employees in the merit system, including training, safety, health, welfare, counseling, recreation, and employee relations.

20. Notwithstanding any provisions to the contrary, no rule or regulation shall be adopted by the department which would deprive the state of Iowa, or any of its agencies or institutions of federal grants or other forms of financial assistance.

21. For veterans preference through a provision that honorably separated veterans who served on active duty in the armed forces of the United States in any war, campaign or expedition for which a campaign badge or service medal has been authorized by the government of the United States shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs.

Veterans who have a service-connected disability or are receiving compensation, disability benefits or pension under laws administered by the veterans administration shall have ten points added to the grades attained in qualifying examinations. A veteran who has been awarded the Purple Heart for disabilities incurred in action shall be considered to have a service-connected disability.

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

23. For the establishment of work test appointments for positions of unskilled labor, attendants, aides, janitors, food service workers, laundry workers, porters, elevator operators, custodial or similar types of employment when the character of the work makes it impracticable to supply the needs of the service effectively by written or other type of competitive examination. If this subsection conflicts with any other provisions of this chapter, the provisions of this subsection shall govern the positions to which it ap-

plies. 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 classified employees. Such persons shall be required to pass promotional examinations as prescribed by this chapter and the rules adopted by the merit employment commission before they may be promoted to a higher classification. [C71, 73, 75, 77, §19A.9]

Referred to in §§19A.12, 19A.22, 19A.24, 114.9, 116.3, 118.2, 118A.5, 120.3, 147.102, 313.4

**19A.10 Use of buildings for examinations, etc.** All officers and employees of the state and of municipalities and political subdivisions of the state shall allow the department the reasonable use of public buildings under their control, and furnish heat, light, and furniture for any examination, hearing, or investigation authorized by this chapter. The department shall pay to a municipality or political subdivision the reasonable cost of any such facilities furnished. [C71, 73, 75, 77, §19A.10]

Referred to in §19A.24

**19A.11 Aid by state employees—records and information.** All officers and employees of the state shall comply with and aid in all proper ways in carrying out the provisions of this chapter and the rules and orders thereunder. All officers and employees shall furnish any records or information which the director or the commission may require for any purpose of this chapter. The director may institute and maintain any action or proceeding at law or in equity that he considers necessary or appropriate to secure compliance with this chapter and the rules and orders thereunder.

The director may, with the approval of the commission, delegate to a person under the merit system in any department, agency, board, commission, or installation thereof, located away from the seat of government any of the duties herein imposed upon the director. [C71, 73, 75, 77, §19A.11]

Referred to in §19A.24

**19A.12 All two-year employees covered.** An employee holding a position covered by this chapter as of September 1, 1967, and who has held such position or other position covered by this chapter for two consecutive years or more immediately prior to September 1, 1967, shall be given permanent appointment as stated in section 19A.9, subsection 8, provided that:

1. The employee has been certified by the director as having met the minimum qualifications established for the classification of the position held, and the employee has been recommended by the appointing authority as having given satisfactory service during the prior period of employment, or

2. The employee who does not meet the minimum qualifications established for the classification of the position held, but has been recommended by the appointing authority as having given satisfactory service during the prior period of service and has been certified by the director as having passed a qualifying examination for the position.

An employee holding a position covered by this chapter who fails to obtain permanent status by either of the options described in subsections 1 and 2 of

this section, or who has been employed for a period of less than two consecutive years immediately prior to September 1, 1967, shall be permitted to apply for the position held or any other position covered by this chapter through the qualifying and examining procedure established under this chapter, and may be appointed to such position on a noncompetitive basis.

Nothing herein shall preclude the reclassification or reallocation as provided by this chapter of any position held by any such incumbent. Appointments made subsequent to September 1, 1967 and prior to establishment of an eligible list shall be subject to the provisions of this chapter and the rules of the commission concerning provisional appointments. [C71, 73, 75, 77, §19A.12]

Referred to in §19A.24

**19A.13 Certification of payrolls—actions.** No state disbursing or auditing officer shall make or approve or take part in making or approving any payment for personal service to any person holding a position in the merit system unless the payroll voucher or account of such pay bears the certification of the director, or of his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of this chapter and the rules and orders thereunder, and that funds are available for the payment of the persons.

The director may for proper cause withhold certification from an entire payroll or from any specific item or items thereon. The director may, however, provide that certification of payrolls may be made once every six months, and such certification shall remain in effect except in the case of any officer or employee whose status has changed after the last certification of his payroll. In the latter case no voucher for payment of salary to such employee shall be issued or payment of salary made without further certification by the director.

Any citizen may maintain an action in accordance with the terms of the Iowa administrative procedure Act to restrain a disbursing officer from making any payment in contravention of any provision of this chapter, rule or order thereunder. Any sum paid contrary to any provision of this chapter or any rule or order thereunder may be recovered in an action in accordance with the terms of the Iowa administrative procedure Act maintained by any citizen, from any officer who made, approved, or authorized such payment or who signed or countersigned a voucher, payroll, check, or warrant for such payment, or from the sureties on the official bond of any such officer. All moneys recovered in any such action shall be paid into the state treasury.

Any person appointed or employed in contravention of any provision of this chapter or of any rule or order thereunder who performs service for which he is not paid, may maintain an action in accordance with the terms of the Iowa administrative procedure Act against the officer or officers who purported so to appoint or employ him to recover the agreed pay for such services or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the state at any time for any sum paid to such person on account of such services.

If the director wrongfully withholds certification of the payroll voucher or account of any employee, such employee may maintain a proceeding in accordance with the terms of the Iowa administrative procedure Act in the courts to compel the director to certify such a payroll voucher or account. [C71, 73, 75, 77, §19A.13]

Referred to in §19A.24

**19A.14 Appeal to appointing authority.** Any employee who is discharged, suspended, or reduced in rank or grade, except during his probation period, may appeal to the appointing authority and if not satisfied, may, within thirty days after such discharge, reduction, or suspension appeal to the commission for review thereof. Upon such review, both the appealing employee and the appointing authority whose action is reviewed shall, within thirty days following the date of filing of the appeal to the commission, have the right to a hearing closed to the public, unless a public hearing is requested by the employee, and to present evidentiary facts thereat. Technical rules of evidence shall not apply at any hearing so held. If the commission finds that the action complained of was taken by the appointing authority for any political, religious, racial, national origin, sex, age or nonmerit reasons, the employee shall be reinstated to his former position without loss of pay for the period of the suspension. In all other cases the merit employment commission shall have jurisdiction to hear and determine the rights of merit system employees and may affirm, modify, or reverse any case on its merits. Judicial review of the action of the commission may be sought in accordance with the terms of the Iowa administrative procedure Act. [C71, 73, 75, 77, §19A.14]

Referred to in §19A.24

**19A.15 Records public.** The records of the department, except personal information in an employee's file if the publication of such information would serve no proper public purpose, shall be public records and shall be open to public inspection, subject to reasonable rules as to the time and manner of inspection which may be prescribed by the director. Each employee shall have access to his personal file.

Any applicant for a position subject to the provisions of this chapter shall be permitted to review, in accordance with such rules as the director may prescribe, any test, grade, or evaluation resulting from the application for employment. [C71, 73, 75, 77, §19A.15]

Referred to in §19A.24

**19A.16 Services to political subdivisions.** Subject to the rules approved by the commission, 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 municipality or political subdivision in the administration of its personnel on merit principles. Any such 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. [C71, 73, 75, 77, §19A.16]

Referred to in §19A.24

**19A.17 Oaths and subpoenas.** The commission, each member of the commission, and the director shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this chapter. Any person who shall fail to appear in response to a subpoena or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of a misdemeanor. [C71, 73, 75, 77, §19A.17]

Referred to in §19A.24

**19A.18 Discrimination prohibited.** No person shall be appointed or promoted to, or demoted or discharged from, any position in the merit system, or in any way favored or discriminated against with respect to employment in the merit system because of his political or religious opinions or affiliations or race or national origin or sex, or age.

No person holding a position in the classified service shall, during his working hours or when performing his duties or when using state equipment or at any time on state property, take part in any way in soliciting any contribution for any political party or any person seeking political office, nor shall such employee engage in any political activity that will impair his efficiency during working hours or cause him to be tardy or absent from his work. The provisions of this section do not preclude any employee from holding any office for which no pay is received or any office for which only token pay is received.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the merit system.

No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the merit system, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration.

No employee shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof.

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 shall adopt any rules necessary for further restricting political activities of persons holding positions in the classified service, but only to the extent necessary to comply with federal standards in order that the present Iowa merit system council shall be absorbed by the Iowa merit employment department. In any event all employees shall retain the right to vote as they please and to express their opinions on all subjects.

Any officer or employee in the merit system who shall become a candidate for any partisan elective of-

office for remuneration shall, commencing thirty days prior to the date of the primary or general election and continuing until such person is eliminated as a candidate, either voluntarily or otherwise, automatically receive leave of absence without pay and during such period shall perform no duties connected with the office or position so held. [C71, 73, 75, 77, §19A.18]

Referred to in §§19A.24, 19A.25

**19A.19 Prohibited actions.** No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and the rules hereunder.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the merit system.

No employee of the department, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility certification, or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the merit system. [C71, 73, 75, 77, §19A.19]

Referred to in §§19A.24, 19A.25

**19A.20 Penalty.** Any person who willfully violates any provision of this chapter or any rules adopted in accordance with this chapter, where no other penalty is prescribed, shall be guilty of a simple misdemeanor. [C71, 73, 75, 77, §19A.20; 66GA, ch 1245(4), §6]

Referred to in §§19A.24, 19A.26

Constitutionality, 62GA, ch 95, §21

**19A.21 Acceptance of grants.** The department is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this chapter.

All federal grants to and the federal receipts of this department are hereby appropriated for the purpose set forth in such federal grants or receipts. [C71, 73, 75, 77, §19A.21]

Referred to in §19A.24

**19A.22 Collective bargaining agreements—other inconsistent laws.** 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 adopt by reference any merit pay adjustment or step increase provided in a merit pay plan adopted under section 19A.9, subsection 2, longevity pay as provided in section 313.4, subsection 3, or any other pay plan or system in effect before July 1, 1977. [C71, 73, 75, 77, §19A.22; 67ExGA, ch 1, §24]

Referred to in §19A.24

**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 313.4, subsection 3. [C73, 75, 77, §19A.23]

Referred to in §19A.24

FEDERAL PROGRAMS EXEMPT

**19A.24 Temporary emergency employment.** Notwithstanding the provisions of sections 19A.1 to 19A.23, a person employed under a temporary, emergency employment utilization program funded by the federal government which program does not exceed one year and which program is not subject to merit system standards by federal law, shall be exempt from this chapter except as provided by this division. [C77,§19A.24]

Referred to in §19A.25

**19A.25 Political activity prohibited.** The provisions of section 19A.18 relating to political activity and the civil penalties contained in such section shall apply to this division. Section 19A.19 relating to prohibited actions shall, where consistent with the provisions of section 19A.24, apply to this division. [C77,§19A.25]

**19A.26 Penalty applicable.** Any person violating the provisions of this division shall be subject to the penalty provided for in section 19A.20. [C77,§19A.26]

DRAFT PROPOSAL – CHAPTER 19A

DEPARTMENT OF PERSONNEL



BY: DEPARTMENT OF PERSONNEL TASK FORCE  
CONSIDERING GOVERNOR'S ECONOMY  
COMMITTEE RECOMMENDATIONS #24, 25,  
26, 27, 28, 29, 30, 31, 36 and 254.

Passed House; Date \_\_\_\_\_ Passed Senate; Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act to create a department of personnel to design, implement  
2 and administer an integrated program of personnel management  
3 in state government by transferring the powers and duties of  
4 the Iowa merit employment department and the Iowa merit  
5 employment commission to the Iowa department of personnel,  
6 and the state personnel board, transferring certain powers  
7 and duties of the state educational radio and television  
8 facility board, the department of public instruction, the  
9 state board of regents, the commission for the blind, the  
10 office of the state comptroller, and the executive council  
11 of the state to the department of personnel, abolishing the  
12 Iowa merit employment department and the Iowa merit employ-  
13 ment commission, making coordinating amendments to the Code,  
14 and subjecting violators to penalties.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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January 30, 1981



1 Section 1. Section nineteen A point one (19A.1), Code 1979,  
2 is amended by striking the section and inserting in lieu thereof  
3 the following:

4 19A.1 GENERAL PURPOSE. The general purpose of this chapter  
5 is to establish an integrated and coordinated system of personnel  
6 administration for the state of Iowa, consistent with recognized  
7 administrative practices and the principles of merit employment.

8 Sec. 2. Section nineteen A point two (19A.2), Code 1979, is  
9 amended to read as follows:

10 19A.2 DEFINITIONS. When used in this chapter, unless the  
11 context otherwise requires:

12 1. "Department" means the ~~Iowa-merit-employment~~ depart-  
13 ment of personnel.

14 2. "Director" means the director of the ~~Iowa-merit-employ-~~  
15 ment department.

16 3. "Commission Board" means the ~~Iowa-merit-employment-com-~~  
17 mission-state personnel board.

18 4. "Merit system" means the merit system of personnel ad-  
19 ministration established under this chapter.

20 5. "Appointing authority" means the chairman person or per-  
21 son in charge of ~~divisions~~ agencies of the state government in-  
22 cluding, but not limited to, boards, bureaus, commissions, and  
23 departments ~~and other divisions~~ or an employee designated to  
24 employee-persons-by-such-an-act for an appointing authority.

25 6. "Fully covered" means those employees or positions  
26 subject to all of the provisions of this Act.

27 7. "Partially covered" means those employees or posi-  
28 tions that are exempted from the provisions of this Act  
29 which require minimum qualifications, examination, competitive  
30 selection, probation, and rights to grievance and appeal  
31 procedures.

32 8. "Covered" means both fully and partially covered  
33 positions or employees.

34 Sec. 3. Section nineteen A point three (19A.3), Code 1979,  
35 is amended by striking the section and inserting in lieu there-

1 of the following:

2 19A.3 APPLICABILITY - EXEMPTIONS. The general assembly, em-  
3 ployees of the general assembly, other officers elected by popular  
4 vote and persons appointed to fill vacancies in elective offices,  
5 and all judges and employees of the courts are exempted from all  
6 of the provisions of this chapter.

7 The department of personnel shall administer this Act for all  
8 other employees of the state and all other positions in state  
9 government now existing and hereafter established. However, the  
10 following positions and employees shall be exempted from the  
11 provisions of this Act which require minimum qualifications,  
12 examination, competitive selection, probation, and rights to  
13 grievance and appeal procedures except those whose salaries  
14 are paid in whole or in part by federal funds which require  
15 that they be fully covered.

16 1. All board members and commissioners whose appointments  
17 are provided for by the statutes of the state of Iowa, and one  
18 secretary for each said board or commission.

19 2. All appointments other than to boards, commissions,  
20 bureaus or departments which are by law made by the governor.

21 3. The personal staff of the governor.

22 4. The director of each board, commission, bureau, de-  
23 partment, or agency who is appointed by a board or commission.

24 5. Deputy or assistant directors, each major division  
25 director, and heads of institutions of a department or agency.

26 To be exempt under this subsection, the position shall meet all  
27 of the following criteria:

28 a. Reports directly to the agency director or deputy  
29 director.

30 b. Functions as a principal member of the agency director's  
31 upper management team.

32 c. Has major direct responsibility for agency policy  
33 development and implementation.

34 d. Requires a special sensitivity to the governor's  
35 and/or agency director's goals with broad freedom to act pri-



1 marily in the implementation of new programs, as opposed to  
2 managing established on-going administrative programs where  
3 continuity and precedent are essential.

4 6. One secretary and one administrative assistant for the  
5 director and the principal deputy director of each department or  
6 agency.

7 7. All presidents, deans, directors, teachers, academically  
8 related professional personnel, and student employees under the  
9 jurisdiction of the state board of regents.

10 8. Members of the staff of the department of public instruc-  
11 tion appointed to positions which require a current and valid  
12 teachers' certificate.

13 9. The executive secretary of the state executive council.

14 10. Officers and enlisted personnel of the armed services  
15 under state jurisdiction.

16 11. Peace officers employed by the department of public safety  
17 as set forth in chapter eighty (80) of the Code.

18 12. Specialized services rendered by an individual to the  
19 state under contract as an independent contractor and as a part  
20 of the individual's regular profession, and not as a state  
21 employee nor in an administrative or supervisory capacity.

22 13. Patients or inmates employed in state institutional  
23 programs, or persons on parole employed in work experience  
24 programs in state government.

25 14. Practicing physicians and psychiatrists.

26 15. Three principal deputies or assistants for each elected  
27 official and one secretary for each, also all supervisory  
28 employees of each elected official and their confidential  
29 assistants.

30 16. The staff in the office of the attorney general.

31 Nothing in this section shall authorize the employment of any  
32 secretary, assistant or deputy not otherwise authorized by law.

33 Nothing in this section shall be construed as precluding the  
34 director of a department or agency from filling or administering  
35 any position in the manner in which positions not excluded by

1 section 19A.3 are filled or administered.

2 Sec. 4. Section nineteen A point four (19A.4), Code 1979, is  
3 amended by striking the section and inserting in lieu thereof the  
4 following:

5 19A.4 DEPARTMENT CREATED. There is hereby established a  
6 department of personnel to be known as the "Iowa department of  
7 personnel", the executive head of which shall be the director of  
8 the department. In the department, there shall be a state  
9 personnel board with its powers and duties hereinafter enumer-  
10 ated. The provisions of section eight point twenty-three (8.23)  
11 of the Code shall apply to this department.

12 Sec. 5. Section nineteen A point five (19A.5), Code 1979, is  
13 amended by striking the section and inserting in lieu thereof the  
14 following:

15 19A.5 DIRECTOR - APPOINTMENT, QUALIFICATIONS AND REMOVAL.  
16 The director shall be appointed by the governor, subject to con-  
17 firmation by the senate. The director shall be appropriately  
18 qualified by education and experience pertinent to the duties of  
19 the position. The director shall not be a member of any local,  
20 state or national committee of a political party, an officer or  
21 member of a committee in any partisan political club or organi-  
22 zation, or hold or be a candidate for a paid elective public  
23 office. The director shall serve at the pleasure of the  
24 governor.

25 Sec. 6. Section nineteen A point six (19A.6), Code 1979, is  
26 amended by striking the section and inserting in lieu thereof the  
27 following:

28 19A.6 STATE PERSONNEL BOARD--MEMBERSHIP, ORGANIZATION AND DUTIES

29 1. There is created a state personnel board within the  
30 department. The board shall have five members appointed by the  
31 governor, subject to confirmation by the senate. The members  
32 shall be knowledgeable in the field of personnel management.  
33 The members shall select a chairperson of the board. The members  
34 shall be residents of this state and sympathetic with the appli-  
35 cation of merit principles in public employment. A board member

1 shall not be a member of a local, state or national committee  
2 of a political party, an officer or member of a committee in a  
3 partisan political club or organization, or hold or be a candidate  
4 for a paid elective public office. Not more than three members  
5 of the board shall be affiliated with the same political party.

6       2. The term of office of board members is four years except  
7 that current merit employment commissioners at the time of the im-  
8 plementation of this Act shall serve out their terms as members  
9 of the state personnel board. When a vacancy exists, the governor  
10 shall appoint a successor for the unexpired part of the term.

11       3. A member of the board may be removed from office by the  
12 governor after the member has received a copy of the charges  
13 against him/her and has had an opportunity for a public  
14 hearing on the charges before the governor. A copy of the  
15 charges and a transcript of the record of the public hearing  
16 shall be entered in the executive journal.

17       4. A member of the board is entitled to a per diem of forty  
18 dollars, and shall be reimbursed for necessary travel and other  
19 expenses incurred while engaged in the performance of official  
20 duties.

21       5. The board shall meet as often as necessary to conduct the  
22 business of the board at the time and place specified by call of  
23 the chairperson. A majority of the board constitutes a quorum,  
24 unless members disqualify themselves for reasons of conflict of  
25 interest, in which case those remaining will constitute  
26 a quorum. A quorum is required to transact official business  
27 with the concurrence of the majority sufficient to constitute  
28 a decision of the board.

29       6. The state personnel board shall decide on grievances  
30 and appeals brought under this chapter. The department shall  
31 provide the funding for hearing officers and other necessary  
32 support staff and services. The hearing officers shall be  
33 selected by the board in accordance with the provisions of this  
34 chapter, and will work with the board to do research, schedule  
35 hearings, prepare materials, conduct hearings in accordance with

1 chapter 17A of the Code, advise the board, and write decisions.

2       7. The board may advise the governor, director, and  
3 legislature on problems concerning personnel administration, and  
4 shall represent the public interest in the improvement of  
5 personnel administration in the state.

6       Sec. 7. Section nineteen A point seven (19A.7), Code 1979,  
7 is amended by striking the section and inserting in lieu thereof  
8 the following:

9       19A.7 DUTIES OF THE DEPARTMENT. The director is authorized  
10 to establish, staff, administer and promulgate rules for the fol-  
11 lowing personnel management programs for all positions in state  
12 government except those expressly exempted by other provisions  
13 of this chapter:

14       1. Position classification.

15       2. Wage and salary research, recommendations, and administra-  
16 tion.

17       3. Research, development and validation of employee selec-  
18 tion devices.

19       4. Recruitment, examination and certification of persons  
20 seeking employment or promotion.

21       5. A system for equal employment opportunity and affirmative  
22 action programs related to state personnel administration.

23       6. Programs, in cooperation with appointing authorities and  
24 others, for management development and employee training, organi-  
25 zational development, position management, performance planning  
26 and evaluation, health, safety and welfare, as well as other pro-  
27 grams designed to improve employee morale and productivity and  
28 organizational effectiveness.

29       7. Administration and coordination of employee benefit pro-  
30 grams including, but not limited to, group medical, life, and long  
31 term disability insurance, workers' compensation, unemployment  
32 insurance, sick leave, annual leave, holidays, administrative  
33 leave, tuition reimbursement, deferred compensation and annuity  
34 contracts. Coordination among state employee retirement programs  
35 including, but not limited to, the Iowa department of public

1 safety peace officers' retirement, accident and disability  
2 system, the Iowa public employees' retirement system, and the  
3 university funded retirement system for the purpose of communi-  
4 cation and planning on issues of mutual interest for the better-  
5 ment of the various retirement systems in government.

6 8. The negotiation and administration of collective bar-  
7 gaining agreements on behalf of the state, its boards, com-  
8 missions, agencies and departments as provided in chapter twenty  
9 (20) of the Code.

10 9. A system for hearing and adjudicating grievances and  
11 appeals related to state personnel administration.

12 10. A personnel management evaluation program to monitor the  
13 effectiveness of the operations of the state's personnel manage-  
14 ment system.

15 11. A state employee information system to inform state em-  
16 ployees of personnel policies, benefits, career opportunities,  
17 training offerings, and other information of interest to  
18 employees.

19 12. A comprehensive computer-based human resource system and  
20 associated data base to support the programs of the department.

21 13. The provision of administrative services, including but  
22 not limited to an employee records management system, employee  
23 and position document review, correction and processing, and  
24 general support services for the department.

25 14. Intergovernmental public personnel administration techni-  
26 cal assistance.

27 15. Any other programs considered necessary for the improve-  
28 ment of the state's personnel management system.

29 Sec. 8. Section nineteen A point eight (19A.8), Code 1979,  
30 is amended by striking the section and inserting in lieu thereof  
31 the following:

32 19A.8 DUTIES OF THE DIRECTOR. In addition to other powers  
33 and duties expressly set forth elsewhere in this chapter the  
34 director shall:

35 1. Advise the governor on matters relating to the state's

- 1 personnel management system.
- 2       2. Foster the interests of institutions of higher learning  
3 and of industrial, civic and professional organizations in the  
4 improvement of the state's personnel management system.
- 5       3. Organize, direct and supervise all of the administrative,  
6 professional and technical activities of the department.
- 7       4. Apply and carry out the provisions of this chapter and  
8 the rules adopted thereunder.
- 9       5. Establish and maintain a roster of all employees covered  
10 by this chapter which shall include for each the position number,  
11 class title, pay, status and other pertinent data.
- 12       6. Appoint all employees of the department.
- 13       7. Foster and develop in cooperation with agency directors  
14 and others, programs for the improvement of employee effective-  
15 ness, including but not limited to training, safety, health,  
16 counseling and welfare.
- 17       8. Encourage and exercise leadership in the development of  
18 effective personnel management in government and make available  
19 the resources and services of the department to this end.
- 20       9. Conduct any investigations or evaluations considered  
21 necessary or desirable concerning the administration of the  
22 personnel management programs in the state's personnel management  
23 system, make recommendations, and direct corrective action to  
24 agency directors as appropriate in those cases where a violation  
25 of rule or statute is found.
- 26       10. Make an annual report with recommendations to the  
27 governor regarding the work of the department, as well as any  
28 special reports considered desirable.
- 29       11. Perform any other lawful acts necessary or desirable to  
30 carry out the purposes and provisions of this chapter.
- 31       12. Designate an employee of the department to act for the  
32 director in the director's absence or inability from any cause to  
33 discharge the powers and duties of the office.
- 34       13. Adopt procedures necessary for the effective and effi-  
35 cient administration of the department.

1        14. Render declaratory rulings as provided for in chapter  
2 seventeen A (17A) of the Code.

3        15. Utilize appropriate persons, including state employees,  
4 assist in the preparation and validation of employment examina-  
5 nations. The director shall confer with agency personnel to  
6 assist in preparing examinations. An agency director may excuse  
7 any employees under her/his jurisdiction from their normally  
8 assigned duties for work in examination development. Such  
9 employees are not entitled to extra pay for these services, but  
10 shall be paid for travel and other necessary expenses by their  
11 agency of employment.

12       16. Render a statement quarterly to those state agencies or  
13 departments that operate in whole or in part from other than  
14 general fund appropriations for a pro rata share of the cost of  
15 administration of the department. The expense shall be paid by  
16 the state departments or agencies in the same manner as other  
17 expenses are paid and the money received shall be deposited to  
18 the general fund of the state.

19       17. Organize and coordinate a personnel management advisory  
20 council consisting of representatives from various state agencies  
21 that come under the jurisdiction of the department for the pur-  
22 poses of planning and communication on issues of mutual interest  
23 for the betterment of personnel administration in government.

24       18. Organize and coordinate a retirement system communications  
25 group consisting of representatives from the various state re-  
26 tirement systems for the purpose of communication and planning on  
27 issues of mutual interest for the betterment of the various re-  
28 tirement systems in government.

29       Sec. 9. Section nineteen A point nine (19A.9), Code 1979, is  
30 amended by striking the section and inserting in lieu thereof the  
31 following:

32       19A.9 RULES ADOPTED. The director shall adopt and may amend  
33 rules for the administration and implementation of this chapter  
34 in accordance with chapter 17A. of the Code. The rules shall  
35 provide:

1           1. For the preparation, maintenance, administration and  
2 revision of uniform job classification plans for all positions  
3 covered by this Act. The same qualifications will be required,  
4 and the same schedule of pay equitably applied to all positions  
5 in the same class in the same geographical area within budget  
6 limitations. The director shall allocate all positions to one of  
7 the classes in the plans.

8           Any permanent employee or agency official affected by the  
9 allocation of a position to a class shall be able to appeal such  
10 allocation in a manner prescribed. No allocation or reallocation  
11 of a position shall become effective if it results in the  
12 expenditure of funds in excess of the total amount budgeted for  
13 the agency.

14           When the director determines that changes are required in the  
15 state's job classification plan, he/she shall notify agencies that  
16 would be affected, and the executive council. Any amendments to  
17 the plans which require the expenditure of funds above those  
18 currently authorized shall require the approval of the  
19 executive council.

20           When the public interest requires an increase or decrease in  
21 the number of positions in an agency, the appointing authority  
22 shall notify the department in the manner and form prescribed by  
23 the director. Such increases or decreases to the authorized  
24 table of organization in each agency shall require appropriate  
25 notification to and approval by the executive council.

26           2. For pay plans within the purview of appropriations  
27 made by the general assembly for all employees covered by this  
28 Act after consultation with appointing authorities and with due  
29 regard to results of collective bargaining agreements nego-  
30 tiated under the provisions of chapter 20, comparability surveys,  
31 current job market conditions, recruitment and retention data,  
32 job evaluation, and after a public hearing held by the director.  
33 Review of the pay plans shall be made at least annually by the di-  
34 rector and revisions shall become effective only after they have  
35 been approved by the executive council after submission from the



1 director. No revisions to the pay plans will be approved if the  
2 revisions would result in the expenditure of funds in excess of  
3 the total amount budgeted for all affected agencies. In the event  
4 individual agencies cannot implement these changes, provisions  
5 will be made to accommodate them during the next budget cycle.

6 Each employee shall be paid at one of the established rates  
7 set forth in the pay plan for the class of position in which  
8 employed and, unless otherwise approved by the director, shall  
9 begin original employment at the first step of the established  
10 range for the class to which assigned. Eligibility for  
11 additional compensation shall be determined through policies and  
12 rules established by the department of personnel.

13 The procedural aspects of pay plan administration for all  
14 covered positions will be carried out by the department and be  
15 consistent with policies and rules established by the department  
16 of personnel.

17 3. For valid, job-related open and competitive selection  
18 devices to measure the relative fitness of applicants to perform  
19 the duties of the class of position to which appointment or  
20 promotion is sought. Such devices shall be announced publicly  
21 at least fifteen days in advance of the date fixed for the  
22 filing of applications. The director may continue to receive  
23 applications and measure candidates for a period adequate to  
24 assure a sufficient number of eligibles to meet staffing needs,  
25 and may combine the names of eligible candidates with existing  
26 registers.

27 4. For vacancies to be filled by promotion when practicable  
28 and in the best interest of the agency, either competitively  
29 or non-competitively giving appropriate consideration to an  
30 applicant's qualifications and record of job performance.

31 5. For the establishment of registers for appointment and  
32 promotion with the names of eligible candidates ranked in the  
33 order of final scores obtained. Eligibility for appointment from  
34 any such register shall continue for at least one year and not  
35 longer than three years as determined by the director.

1           6. For the rejection of applicants or removal of eligible  
2 candidates from the registers who do not meet reasonable job-  
3 related requirements such as education and experience qualifi-  
4 cations established for the class, and anyone who has attempted  
5 any deception or fraud in connection with the selection process.

6           7. For the appointment by the appointing authority of a  
7 person ranking among the top six scores on the appropriate  
8 register.

9           8. For probationary status of not less than six nor more  
10 than twelve months, exclusive of time spent on any leave without  
11 pay or educational leave with pay over thirty days as determined  
12 by the director before the appointment is deemed to be perma-  
13 nent. During this period the employee may be terminated or  
14 demoted by the appointing authority without right of appeal  
15 unless the appeal is based on alleged illegal discrimination.

16           9. For emergency appointment not to exceed a period of sixty  
17 consecutive days in any twelve month period and for summer  
18 appointment during the pay periods which include May 15 to  
19 September 15 of each year without competitive selection, and  
20 for intermittent employment with competitive selection not to ex-  
21 ceed 960 hours in any twelve month period.

22           10. For project appointment by competitive selection where a  
23 particular job, project, grant or contract requires the services  
24 of an individual for a limited duration not to exceed two years  
25 as determined by the director. Such appointments shall not  
26 confer any right of position, transfer, demotion, promotion or  
27 appeal, but incumbents shall be eligible for vacation and sick  
28 leave and other covered employee fringe benefits.

29           11. For provisional appointment of a new employee who meets  
30 the minimum qualifications for a class, without competitive  
31 selection, when there is not a sufficient number of candidates on  
32 an appropriate register. Such employment shall not exceed 180  
33 calendar days nor shall consecutive provisional appointments of  
34 the same individual be allowed.

35           12. For transfer from a position in one agency to a

1 position in another agency with continuous employment  
2 rights and all accumulated sick leave and vacation leave  
3 transferred to the new agency of employment.

4 13. For reinstatement of persons who have attained permanent  
5 status, and who resign in good standing or who are laid off through  
6 no fault of their own, for a period equal to the time of their  
7 continuous fully covered employment, but not to exceed two years.

8 14. For establishing a uniform system of performance planning  
9 and evaluation of all employees covered by the provisions of this  
10 Act, and for their evaluation at least annually.

11 15. For layoffs by reason of lack of funds, or work, or  
12 reorganization, and for reemployment of employees so laid off,  
13 giving consideration in both layoffs and reemployment to recent  
14 performance records and to total continuous fully covered employ-  
15 ment. Any fully covered employee who has been laid off may keep  
16 his/her name on a preferred employment register for the class  
17 from which laid off or demoted in lieu of layoff for one year from  
18 date of the layoff. Such register shall be exhausted by the agency  
19 enforcing the layoff before selection of an eligible candidate for  
20 that job class from the open competitive or promotional register.

21 16. For the establishment of uniform procedures for  
22 disciplinary action based on just cause and the principles of  
23 progressive discipline.

24 17. For the establishment of a uniform procedure for agency  
25 resolution of fully covered employee complaints and grievances,  
26 and for the establishment of a uniform procedure for hearing and  
27 resolving such grievances and appeals alleging the violation of a  
28 department rule or statute.

29 18. For attendance regulations, and leaves of absence, with  
30 or without pay, or lower pay in the various classes of positions  
31 covered by this Act.

32 19. For the development and operation of programs to improve  
33 the work effectiveness and morale of employees covered by this  
34 Act, including training, safety, health, welfare, counseling,  
35 recreation, and employee relations.

1        20. Notwithstanding any provisions to the contrary, no rule  
2 or regulation shall be adopted by the department which would  
3 deprive the state of Iowa or any of its agencies or institutions  
4 of federal grants or other forms of financial assistance.

5        21. For veterans' preference through a provision that honor-  
6 ably separated veterans who served on active duty in the armed  
7 forces of the United States during any war, campaign or expedi-  
8 tion that has been authorized by the government of the United  
9 States shall have five points added to the score attained in  
10 qualifying selection devices for original appointment. Veterans  
11 who have a service-connected disability and therefore are re-  
12 ceiving compensation, disability benefits or pension under laws  
13 administered by the veterans' administration shall have ten  
14 points added to the score attained in qualifying selection  
15 devices for original appointment.

16        22. For acceptance of the qualifications, requirements,  
17 regulations, and general provisions established under other  
18 sections of the Code pertaining to professional registration,  
19 certification and licensing.

20        23. For the establishment of work test appointments to un-  
21 skilled job classes where the character of work makes it imprac-  
22 ticable to supply staffing needs effectively by competitive  
23 selection processes. This provision may also be applied to the  
24 hiring of severely handicapped persons into any fully covered  
25 position as defined by rule.

26        24. For a statewide equal employment opportunity and  
27 affirmative action program including technical assistance and  
28 reporting systems.

29        25. For the development and administration of an employee  
30 communications program to keep personnel informed of policies,  
31 procedures, benefit programs, career opportunities, training  
32 programs and other such information as deemed appropriate by  
33 the director.

34        26. For determination within the provisions of this Act of  
35 the proper coverage and employment status for all positions

1 within the state service and its divisions.

2 27. For a code of ethics governing the conduct of covered  
3 employees during their tenure of employment with the state.

4 28. For prohibitions on partisan political activity consis-  
5 tent with other Code provisions and the federal hatch act.

6 29. For the provision of certain rights and privileges  
7 to fully covered employees acquired through permanent status  
8 including, but not limited to, actions relating to promotion,  
9 demotion, transfers, position allocation, layoffs, discipline  
10 and discharge.

11 30. For the guarantee of right of return through reemployment  
12 to the fully covered service in the same or similar class and  
13 grade last held for permanent employees who accept positions in  
14 state government outside the fully covered service.

15 31. For the development and administration of special intern-  
16 ship programs in conjunction with institutions of higher educa-  
17 tion to provide career development opportunities for students of  
18 exceptional potential who have received professional training in  
19 planning and managing public programs and policies.

20 Employees who are subject to current and valid collective  
21 bargaining contracts negotiated under chapter twenty (20) of the  
22 Code which include provisions enumerated in this section shall be  
23 governed by those contract provisions.

24 Sec. 10. Section nineteen A point ten (19A.10), Code 1979,  
25 is amended by striking the section and inserting in lieu thereof  
26 the following:

27 19A.10 USE OF PUBLIC FACILITIES. All officers and employees  
28 of the state and of municipalities, public schools and political  
29 subdivisions of the state shall allow the department the reasona-  
30 ble use of public buildings under their control, and furnish heat,  
31 light, and furniture for any examination, hearing, or investiga-  
32 tion authorized by this chapter.

33 Sec. 11. Section nineteen A point eleven (19A.11), Code  
34 1979, is amended by striking the section and inserting in lieu  
35 thereof the following:

1        19A.11 INTERAGENCY COOPERATION. The director, in consulta-  
2 tion with affected agencies, may delegate to an appointing author-  
3 ity any of the responsibilities or authorities conferred on the  
4 director or the department by this statute.

5        Sec. 12. Section nineteen A point thirteen (19A.13), Code  
6 1979, is amended by striking the section and inserting in lieu  
7 thereof the following:

8        19A.12 CERTIFICATION OF PAYROLLS--ACTIONS. No state dis-  
9 bursing or auditing officer shall make or approve or take part in  
10 making or approving any payment for service to any person holding  
11 a position fully covered under this Act unless the payroll voucher  
12 or account of such pay bears the certification of the director,  
13 or authorized agent, that the persons named therein have been  
14 appointed and employed in accordance with the provisions of this  
15 chapter and the rules and orders thereunder and that funds are  
16 available for the payment of the persons.

17        The director may for proper cause withhold certification from  
18 an entire payroll or from any specific item or items thereon.  
19 The director may, however, provide that certification of payrolls  
20 be made once every six months, and such certification shall  
21 remain in effect except in the case of any officer or employee  
22 whose status has changed after the last certification of the  
23 payroll. In the latter case no voucher for payment of salary to  
24 such employee shall be issued or payment of salary made without  
25 further certification by the director or authorized agent.

26        Any citizen may maintain an action in accordance with the  
27 terms of the Iowa administrative procedure Act to restrain a  
28 disbursing officer from making any payment in contravention of  
29 any provision of this chapter, rule or order thereunder. Any sum  
30 paid contrary to any provision of this chapter or any rule or  
31 order thereunder may be recovered in an action in accordance with  
32 the terms of the Iowa administrative procedure Act maintained by  
33 any citizen, from any officer who made, approved, or authorized  
34 such payment or who signed or countersigned a voucher, payroll,  
35 check, or warrant for such payment, or from the sureties on the

1 official bond of any such officer. All moneys recovered in any  
2 such action shall be paid into the state treasury.

3 Any person appointed or employed in contravention of any  
4 provision of this chapter or of any rule or order thereunder who  
5 performs service for which he/she is not paid, may maintain an  
6 action in accordance with the terms of the Iowa administrative  
7 procedure Act against the officer or officers who purported to so  
8 appoint or employ him/her to recover the agreed pay for such  
9 services or the reasonable value thereof if no pay was agreed  
10 upon. No officer shall be reimbursed by the state at any time  
11 for any sum paid to such person on account of such services.

12 If the director wrongfully withholds certification of the  
13 payroll voucher or account of any employee, such employee may  
14 maintain a proceeding in accordance with the terms of the Iowa  
15 administrative procedure Act in the courts to compel the director  
16 to certify such a payroll voucher or account.

17 Sec. 13. Section nineteen A point fourteen (19A.14), Code  
18 1979, is amended by striking the section and inserting in lieu  
19 thereof the following:

20 19A.13 APPEAL TO APPOINTING AUTHORITY AND THE BOARD.

21 1. Any fully covered permanent employee who, as a result of  
22 a disciplinary action, is discharged, suspended, demoted, or whose  
23 pay is reduced as a result of such action, may appeal to the  
24 appointing authority and if not satisfied, may, within thirty  
25 days after such action, appeal to the board. Both the appealing  
26 employee and the appointing authority whose action is being  
27 appealed shall, within thirty days following the date of filing  
28 of the appeal to the board, have the right to a hearing closed  
29 to the public, unless a public hearing is requested by the  
30 employee, and to present evidentiary facts. Technical rules  
31 of evidence shall not apply at the hearing. The board shall  
32 have jurisdiction to determine the rights of the employee and  
33 may affirm, modify, or reverse any case on its merits.  
34 Judicial review of the action of the board may be sought in  
35 accordance with chapter seventeen A (17A) of the Code. The

1 director is entitled to seek such judicial review as well.

2 2. The board shall refuse to hear the appeal of an employee  
3 who is subject to a valid collective bargaining agreement nego-  
4 tiated under chapter twenty (20) of the Code.

5 Sec. 14. Section nineteen A point fifteen (19A.15), Code  
6 1979, is amended by striking the section and inserting in lieu  
7 thereof the following:

8 19A.14 PUBLIC RECORDS. All applications for employment,  
9 test papers, scoring devices, selection devices and working  
10 papers associated with the screening of applicants shall be  
11 confidential records.

12 Applicants for fully covered positions subject to the  
13 provisions of this chapter shall be permitted to review, in  
14 accordance with such rules as the director may prescribe, their  
15 own test materials or evaluation resulting from their applica-  
16 tion for employment.

17 All other records of the department shall be subject to the  
18 provisions of chapter sixty-eight A (68A) of the Code.

19 Sec. 15. Section nineteen A point sixteen (19A.16), Code  
20 1979, is amended by striking the section and inserting in lieu  
21 thereof the following:

22 19A.15 SERVICES TO POLITICAL SUBDIVISIONS. The director may  
23 enter into agreements with any municipality or political subdivi-  
24 sion of the state to furnish services and facilities of the  
25 department to the municipality or political subdivision in the  
26 administration of its personnel programs. This agreement shall  
27 provide for the recovery to the department of the reasonable cost  
28 of the services and facilities furnished. All municipalities and  
29 political sub divisions of the state may enter into these  
30 agreements.

31 Nothing in this chapter shall affect any municipal civil  
32 service programs presently established under and pursuant to the  
33 provisions of chapter four hundred (400) of the Code.

34 Sec. 16. Section nineteen A point seventeen (19A.17), Code  
35 1979, is amended by striking the section and inserting in lieu



1 thereof the following:

2       19A.16 INVESTIGATION AND COMPLIANCE. The board, each member  
3 of the board, and hearing officers appointed to work with the  
4 board may administer oaths, subpoena witnesses and compel the  
5 production of books, papers or other information pertinent to an  
6 investigation or hearing authorized by this chapter or its rules.  
7 Procedures for discovery shall be subject to the provisions of  
8 chapter seventeen A (17A) of the Code.

9       The director is authorized to conduct any investigation or  
10 evaluations considered necessary or desirable concerning the  
11 administration of the personnel management programs in the  
12 state's personnel management system. The director is empowered  
13 to administer oaths, subpoena witnesses and compel the production  
14 of books, papers or other information pertinent to the conduct of  
15 personnel management evaluations and investigations. A determi-  
16 nation of pertinence, upon resistance, shall be made by the board.  
17 Any person within the state who fails to appear in response to a  
18 subpoena or produce any books, papers or other pertinent informa-  
19 tion in the furtherance of such evaluation or investigation shall  
20 be guilty of a simple misdemeanor. Subpoenas issued are not sub-  
21 ject to the distance limitations of sections 622.66 and 622.68  
22 of the Code.

23       In those cases where a violation of statute or rule is found,  
24 the director is authorized to direct corrective action. The  
25 provisions of chapter 17A notwithstanding, disputes with regard  
26 to such rulings shall first be heard by the board.

27       Sec. 17. Section nineteen A point eighteen (19A.18), Code  
28 1979, is amended by striking the section and inserting in lieu  
29 thereof the following:

30       19A.17 DISCRIMINATION PROHIBITED. No person shall be appointed  
31 or promoted to, or demoted or discharged from, any covered  
32 position, or in any way be discriminated against with respect  
33 to covered employment based upon age, race, creed, color,  
34 sex, national origin, religion, and physical or mental disabil-  
35 ity.

1 Any applicant or covered employee who feels that he/she  
2 has been discriminated against with respect to employment on the  
3 basis of one or more of the aforementioned factors shall first  
4 appeal directly to the appointing authority within thirty days of  
5 the alleged incident. If not satisfied or if a decision is not  
6 forthcoming within thirty days of the filing of the appeal, the  
7 appellant may either appeal to the board using the following  
8 procedure or to the Iowa civil rights commission using the  
9 procedure provided for in chapter 601A of the Code, not both.  
10 Once either agency has accepted jurisdiction, that agency  
11 shall notify the other, and the other agency shall not  
12 thereafter accept the same appeal.

13 If the appellant chooses to appeal to the board, the board  
14 will hear cases brought to it under this section within sixty  
15 days, and will render a decision and notify all parties concerned  
16 within ten working days after the close of the hearing.  
17 Notwithstanding the provisions of chapter 601A of the Code, if  
18 judicial review of the action of the board is sought, it shall be  
19 in accordance with the provisions of section 17A.19 of the Code.

20 Employees covered by a current and valid collective bargaining  
21 agreement negotiated under the provisions of chapter 20 of the  
22 Code that contains a discrimination appeal provision shall be  
23 subject to the procedures contained therein.

24 Sec. 18. Section nineteen A point nineteen (19A.19), Code  
25 1979, is amended by striking the section and inserting in lieu  
26 thereof the following:

27 19A.18 POLITICAL ACTIVITY PROHIBITED. No person shall be  
28 appointed or promoted to, or demoted or discharged from, any  
29 fully covered position, or in any way favored with respect to  
30 employment based on political affiliation.

31 No person holding a fully covered position shall, during  
32 working hours or when performing job duties or when using state  
33 equipment or at any time on state property, take part in any way  
34 in soliciting any contribution for any political party or any  
35 person seeking political office, nor shall such employee engage

1 in any political activity that will impair efficiency during work-  
2 ing hours or cause the employee to be tardy or absent from work.

3 No person shall seek or attempt to use any political  
4 endorsement in connection with any appointment to a fully  
5 covered position.

6 No person shall use or promise to use, directly or  
7 indirectly, any official authority or influence, whether  
8 possessed or anticipated, to secure or attempt to secure for any  
9 person an appointment or advantage in appointment to a fully cov-  
10 ered position or an increase in pay or other advantage in employ-  
11 ment in any such position, for the purpose of influencing the vote  
12 or political action of any person or for any consideration.

13 No person holding a fully covered position shall use his/her  
14 official authority or influence for the purpose of interfering  
15 with an election or affecting the results thereof.

16 Any person holding a fully covered position who violates any  
17 of the provisions of this section shall be subject to disciplinary  
18 action subject to the right of appeal established herein.

19 The director shall adopt any rules necessary for further  
20 restricting political activities of persons holding fully covered  
21 positions, but only to the extent necessary to comply with feder-  
22 al law or standards. Any person holding a fully covered position  
23 shall retain the right to vote as he/she pleases and to express  
24 an opinion on all subjects.

25 Any person holding a fully covered position who shall become  
26 a candidate for any partisan elective office for remuneration  
27 shall, commencing thirty days prior to the date of any primary or  
28 general election and continuing until such person is eliminated  
29 as a candidate, either voluntarily or otherwise, automatically  
30 receive leave of absence without pay and during such period shall  
31 perform no duties connected with the office or position so held.

32 No person holding a fully covered position shall hold a paid  
33 partisan political office for more than token pay while on active  
34 duty. The provisions of this section do not preclude any person  
35 from holding any office for which no pay is received or any

1 office for which only token pay is received.

2 In all other instances regarding political activity as it re-  
3 lates to employees of state government, the provisions of chapter  
4 721 of the Code shall apply.

5 Sec. 19. Section nineteen A point twenty (19A.20), Code  
6 1979, is amended by striking the section and inserting in lieu  
7 thereof the following:

8 19A.19 PROHIBITED ACTIONS. No person shall make any false  
9 statement, certificate, score, or report with regard to any test,  
10 certification, appointment or other action made under any provi-  
11 sion of this chapter or in any manner commit or attempt to commit  
12 any fraud preventing the impartial execution of this chapter and  
13 the rules hereunder.

14 No person shall, directly or indirectly, give, render, pay,  
15 offer, solicit, or accept any money, service, or other valuable  
16 consideration for or on account of any appointment, proposed  
17 appointment, promotion, or proposed promotion to, or any advan-  
18 tage in a fully covered position except as may be otherwise  
19 provided for in rules promulgated under the provisions of this  
20 Act.

21 No person shall defeat, deceive, or obstruct any person in  
22 his/her right to examination, eligibility certification, or  
23 appointment under this chapter, or furnish to any person any  
24 special or confidential information for the purpose of affecting  
25 the rights or prospects of any person with respect to fully  
26 covered employment.

27 Sec. 20. Section nineteen A point twenty-one (19A.21), Code  
28 1979, is amended by striking the section and inserting in lieu  
29 thereof the following:

30 19A.20 PENALTY. Any person who willfully violates any  
31 provision of this chapter or any rules adopted in accordance with  
32 this chapter, where no other penalty is prescribed, shall be  
33 guilty of a simple misdemeanor.

34 Sec. 21. Section nineteen A point twenty-two (19A.22), Code  
35 1979, is amended by striking the section and inserting in lieu

1 thereof the following:

2 19A.21 ACCEPTANCE OF GRANTS. The department is authorized  
3 and directed to accept on behalf of the state any grant or con-  
4 tribution, federal or otherwise, made to assist in meeting the  
5 cost of carrying out the purpose of this chapter.

6 All federal grants to and the federal receipts of this  
7 department are hereby appropriated for the purpose set forth in  
8 such federal grants or receipts.

9 Sec. 22. Section nineteen A point twenty-three (19A.23),  
10 Code 1979, is amended to read as follows:

11 19A.22 LONGEVITY PAY PROHIBITED--EXCEPTIONS. No state em-  
12 ployee subject to the provisions of this chapter shall be entitled  
13 to longevity pay except those employees granted longevity pay pur-  
14 suant to sections eighty point eight (80.8) and ~~343-4-subsec-~~  
15 ~~tion-3-three~~ hundred seven A point eight (307A.8) of the Code.

16 FEDERAL PROGRAMS EXEMPT

17 Sec. 23. Section nineteen A point twenty-four (19A.24),  
18 Code 1979, is amended by striking the section and inserting in  
19 lieu thereof the following:

20 19A.23 TEMPORARY EMERGENCY EMPLOYMENT. Notwithstanding the  
21 provisions of sections 19A.1 through 19A.22, a person employed un-  
22 der a temporary, emergency employment utilization program funded by  
23 the federal government which program does not exceed one year and  
24 which program is not subject to merit system standards by federal  
25 law shall be exempt from being fully covered by this chapter.

26 Sec. 24. Section nineteen A point twenty-five (19A.25), Code  
27 1979, is amended by striking the section and inserting in lieu  
28 thereof the following:

29 19A.24 POLITICAL ACTIVITY PROHIBITED. The provisions of  
30 section 19A.18 relating to political activity and the civil  
31 penalties contained in such section shall apply to section  
32 19A.23. Section 19A.19 relating to prohibited actions, where  
33 consistent with the provisions of section 19A.23, shall apply.

34 Sec. 25. Section nineteen A point twenty-six (19A.26), Code  
35 1979, is amended by striking the section and inserting in lieu

1 thereof the following:

2 19A.25 PENALTY APPLICABLE. Any person violating the pro-  
3 visions of section 19A.23 and 19A.24 shall be subject to the  
4 penalties provided for in section 19A.20.

5 Sec. 26. Section seven A point one (7A.1), Code 1981, is  
6 amended to read as follows:

7 7A.1 OFFICE CREATED. There is hereby created the office for  
8 planning and programming which shall be directly attached to and  
9 a part of the office of the governor. The governor may appoint a  
10 director of planning and programming ~~and other necessary per-~~  
11 ~~sonnel~~ who shall serve at the pleasure of the governor. All  
12 other Employees of the office shall be appointed and adminis-  
13 tered pursuant to the provisions of chapter 19A ~~serve at the~~  
14 ~~pleasure of the governor. Where required by federal statutes,~~  
15 ~~employees shall be covered under the provisions of chapter 19A.~~

16 Sec. 27. Section twenty point four (20.4) subsection two (2),  
17 Code 1979, is amended to read as follows:

18 2. Representatives of a public employer, including the  
19 administrative officer, director or chief executive officer of a  
20 public employer or major division thereof as well as ~~his~~ any  
21 deputy, first assistant, and any supervisory employees.  
22 For the purposes of this chapter, a ~~supervisory~~ employee  
23 means any individual having authority in the interest of the  
24 public employer to hire, transfer, suspend, layoff, recall,  
25 promote, discharge, assign, reward or discipline other public  
26 employees, or the responsibility to direct them, or to adjust  
27 their grievances, or effectively to recommend such action, if in  
28 connection with the foregoing exercise of such authority is not  
29 of a merely routine or clerical nature, but requires the use of  
30 independent judgment. All school superintendents, assistant  
31 superintendents, principals and assistant principals shall be  
32 deemed to be supervisory employees.

33 Sec. 28. Section twenty point four (20.4) subsection five  
34 (5), Code 1979, is amended to read as follows:

35 5. Temporary public employees ~~employed~~ working full-time for

1 a period of four months or less, or working less than twenty  
2 hours per week per year on an average.

3 Sec. 29. Section twenty point four (20.4), Code 1979, is  
4 amended by adding the following new subsection:

5 11. Persons employed by the public employment relations board.

6 Sec. 30. Section twenty-eight D point eight (28D.8), Code  
7 1979, is amended to read as follows:

8 28D.8 ADMINISTRATION. The ~~Iowa-merit-employment-department~~  
9 ~~of personnel is-hereby-directed-to-explore-means-of-implementing~~  
10 shall administer this chapter and ~~to-assist~~ departments, agen-  
11 cies, and instrumentalities of the state and its political sub-  
12 divisions in participating in employee interchange programs.

13 Sec. 31. Section thirty-three point two (33.2), unnumbered  
14 paragraph one (1), Code 1981, is amended to read as follows:

15 33.2 PAID HOLIDAYS. State employees, except those in an  
16 intermittent, emergency, summer, or otherwise temporary status,  
17 are granted, except as provided in the fourth paragraph of this  
18 section, the following holidays off from employment with pay:

- 19 1. New Year's Day, January 1.
- 20 2. Memorial Day, the last Monday in May.
- 21 3. Independence Day, July 4.
- 22 4. Labor Day, the first Monday in September.
- 23 5. Thanksgiving Day, the fourth Thursday in November.
- 24 6. Friday after Thanksgiving, the Friday following
- 25 Thanksgiving Day.
- 26 7. Christmas Day, December 25.
- 27 8. Two other holidays, each to be designated annually by
- 28 the executive council.
- 29 9. Two days of paid leave each year to be added to the
- 30 vacation allowance and accrued under the provisions of
- 31 section 79.1.

32 Sec. 32. Section sixty-eight A point seven (68A.7), sub-  
33 section eleven (11), Code 1979, is amended to read as follows:

34 11. Personal information in confidential personnel records,  
35 including applications for employment, of public bodies in-

1 cluding but not limited to cities, boards of supervisors and  
2 school districts.

3 Sec. 33. Section seventy point one (70.1), Code 1979, is  
4 amended to read as follows:

5 70.1 APPOINTMENTS AND PROMOTIONS. In every public department  
6 and upon all public works in the state, and of the counties,  
7 cities, and school corporations thereof, honorably discharged men  
8 and women from the military or naval forces of the United States  
9 in any war in which the United States was or is now engaged,  
10 including the Philippine Insurrection, China Relief Expedition,  
11 ~~and~~ the Korean Conflict at any time between June 25, 1950 and  
12 January 31, 1955, both dates inclusive, and the Vietnam Conflict  
13 ~~beginning at any time between August 5, 1964~~~~and ending on~~  
14 ~~the date the armed forces of the United States are directed by~~  
15 ~~formal order of the government of the United States to cease~~  
16 ~~hostilities~~ and May 7, 1975, both dates inclusive, who are citi-  
17 izens and residents of this state shall be entitled to preference  
18 in ~~appointment~~, original ~~employment~~~~and promotion~~ over other  
19 applicants of no greater qualifications. For the purposes of this  
20 section World War II shall mean service in the armed forces of  
21 the United States between December 7, 1941, and December 31,  
22 1945, both dates inclusive.

23 Sec. 34. Section seventy-nine point one (79.1), unnumbered  
24 paragraph one (1), Code 1979, as amended by Acts of the Sixty-  
25 eighth General Assembly, 1979 Session, chapter two (2) section  
26 thirty-eight (38) and as the section is amended by Acts of the  
27 Sixty-eighth General Assembly, 1979 Session, chapter two (2),  
28 section thirty-nine (39), is amended to read as follows:

29 Salaries specifically provided for in an appropriation Act of  
30 the general assembly shall be in lieu of existing statutory  
31 salaries, for the positions provided for in the Act, and all  
32 salaries, including longevity where applicable by express  
33 provision in the Code, shall be paid according to the provisions  
34 of chapter 91A and shall be in full compensation of all services,  
35 including any service on committees, boards, commissions or



1 similar duty for Iowa government, except for members of the  
2 general assembly. A state employee on an annual salary shall not  
3 be paid for a pay period an amount which exceeds the employee's  
4 annual salary transposed into a rate applicable to the pay period  
5 by dividing the annual salary by the number of calendar days in  
6 the fiscal year, and multiplying the result by the number of  
7 calendar days in the pay period. Salaries for state employees  
8 other than annual salaries shall be established on an hourly  
9 basis.

10 All-Eligible employees of the state shall earn two weeks  
11 vacation per year during the first year of employment and through  
12 the fourth year of employment, and three weeks vacation per year  
13 during the fifth and through the eleventh year of employment, and  
14 four weeks vacation per year during the twelfth year through the  
15 nineteenth year of employment, and four and four-tenths weeks va-  
16 cation per year during the twentieth year through the twenty-  
17 fourth year of employment, and five weeks vacation per year  
18 during the twenty-fifth year and all subsequent years of employ-  
19 ment, with pay. One week of vacation shall be equal to the  
20 number of hours in the employee's normal work week. Vacation  
21 allowance shall be accrued according to the provisions of  
22 chapter 91A as provided by the rules of the ~~Iowa-merit-employ-~~  
23 ~~ment~~ department of personnel. The vacations shall be  
24 granted at the discretion and convenience of the head of the  
25 department, agency or commission, except that an employee shall  
26 not be granted vacation in excess of the amount earned by the  
27 employee. Vacation leave earned under this paragraph shall not  
28 be cumulated to an amount in excess of twice the employee's  
29 annual rate of accrual. The head of the department, agency or  
30 commission shall make every reasonable effort to schedule  
31 vacation leave sufficient to prevent any loss of entitlements.  
32 In the event that the employment of an employee of the state is  
33 terminated the provisions of chapter 91A relating to the  
34 termination shall apply.

35 Sec. 35. Section seventy-nine point one (79.1), unnumbered

1 paragraphs three (3) and four (4), Code 1979, as amended by  
 2 Acts of the Sixty-eighth General Assembly, 1979 Session, chapter  
 3 two (2), section thirty-eight (38), and as the section is  
 4 amended by Acts of the Sixty-eighth General Assembly, 1979 ses-  
 5 sion, chapter two (2), section thirty-nine (39), is amended to  
 6 read as follows:

7        Payments authorized by this section shall be approved by the  
 8 department subject to rules of the department of personnel and  
 9 paid from the appropriation or fund of original certification of  
 10 the claim.

11        ~~Commencing July 17, 1977, permanent full-time~~ Eligible  
 12 employees of state departments, boards, agencies, and commis-  
 13 sions, excluding employees covered under a collective bargaining  
 14 agreement which provides otherwise, shall accrue sick leave at  
 15 the rate of one and one-half days for each ~~full~~ complete month  
 16 of full-time employment. Sick leave shall not accrue during  
 17 any period of absence without pay. Employees may use accrued  
 18 sick leave for physical or mental personal illness, bodily injury,  
 19 medically-related disabilities, including disabilities resulting  
 20 from pregnancy and childbirth, or contagious disease:

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

26        Sec. 36. Section seventy-nine point one (79.1), unnumbered  
 27 paragraphs six (6) and seven (7), Code 1979, as amended by Acts  
 28 of the Sixty-eighth General Assembly, 1979 Session, chapter two  
 29 (2), section thirty-eight (38), and as the section is amended by  
 30 Acts of the Sixty-eighth General Assembly, 1979 Session, chapter  
 31 two (2), section thirty-nine (39), is amended to read as follows:

32        State employees, excluding state board of regents' faculty  
 33 members with nine-month appointments, and employees covered under  
 34 a collective bargaining agreement negotiated with the public  
 35 safety bargaining unit, who are eligible for accrued vacation

1 benefits and accrued sick leave benefits, who have accumulated  
2 thirty days of sick leave, and who do not use sick leave during a  
3 full month of employment may elect to accrue up to one-half day  
4 of additional vacation. The accrual of additional vacation time  
5 by an employee for not using sick leave during a month shall be  
6 in lieu of the accrual of up to one and one-half days of sick  
7 leave for that month. ~~The state-comptroller-may~~ director of  
8 the department of personnel shall promulgate the necessary  
9 rules and procedures for the implementation of this program  
10 for all state employees ~~except-employees-of-the-state-board~~  
11 ~~of-regents.--The-state-board-of-regents-may-promulgate~~  
12 ~~necessary-rules-for-the-implementation-of-this-program-for~~  
13 ~~its-employees.~~

14 The head of any department, agency, or commission, subject  
15 to rules of the department of personnel, may grant an educa-  
16 tional leave to employees for whom the head of the department,  
17 agency, or commission is responsible and funds appropriated by  
18 the general assembly may be used for ~~such-purposes-this pur-~~  
19 pose. The head of ~~such-the~~ department, agency, or commission  
20 shall notify the legislative council and the department of  
21 personnel of all educational leaves granted within fifteen  
22 days ~~of-prior~~ to the granting of the educational leave. If  
23 the head of a department, agency, or commission fails to notify  
24 the legislative council or the department of personnel of an  
25 educational leave the expenditure of funds appropriated by the  
26 general assembly for the educational leave shall not be allowed.

27 Sec. 37. Section seventy-nine point two (79.2), Code 1979,  
28 is amended by striking the section in its entirety.

29 Sec. 38. Section seventy-nine point twenty (79.20),  
30 unnumbered paragraph one (1), Code 1979, is amended to read as  
31 follows:

32 ~~There-is-created-a-state~~ employees' disability insurance  
33 program ~~which~~ shall be administered by the ~~executive-council~~  
34 department of personnel and ~~which~~-shall provide disability  
35 benefits in an amount and for the employees as provided in this

1 section. The monthly disability benefits shall provide twenty  
2 percent of monthly earnings if employed less than one year, forty  
3 percent of monthly earnings if employed one year or more but less  
4 than two years, and sixty percent of monthly earnings thereafter,  
5 reduced by primary and family social security determined at the  
6 time social security disability payments commence, workers'  
7 compensation if applicable, and any other state sponsored  
8 sickness or disability benefits payable. ~~No-subsequent-~~  
9 Subsequent social security increases shall not be used to  
10 further reduce the insurance benefits payable. State em-  
11 ployees shall receive credit for the time they were contin-  
12 uously employed prior to and on July 1, 1974. The following  
13 provisions shall apply to the employees disability insurance  
14 programs:

15 1. Waiting period.....ninety working days of continuous  
16 sickness or accident disability or the expiration of accrued sick  
17 leave, whichever is greater.

18 2. Maximum period benefits paid.....sickness or accident  
19 disability to age sixty-five.

20 3. Minimum and maximum benefits.....not less than fifty  
21 dollars per month and not exceeding two thousand dollars per  
22 month.

23 4. All permanent full-time state employees shall be covered  
24 under the employees disability insurance program, except the  
25 members of the general assembly, board members and members of  
26 commissions who are not full-time state employees, and state  
27 employees who on July 1, 1974, are under another disability  
28 program financed in whole or in part by the state.

29 Sec. 39. Section seventy-nine point twenty-three (79.23),  
30 Code 1979, as amended by Acts of the Sixty-eighth General  
31 Assembly, 1979 Session, chapter two (2), section forty-two (42),  
32 is amended to read as follows:

33 79.23 CREDIT FOR ACCRUED SICK LEAVE. Commencing July 1,  
34 1977, when a state employee, excluding an employee covered under  
35 a collective bargaining agreement ~~which provides otherwise,~~

1 unless specifically provided in that agreement, retires under  
2 the provisions of a retirement system in the state maintained in  
3 whole or in part by public contributions or payments, the number  
4 of accrued days of active and banked sick leave of the employee  
5 shall be credited to the employee. When an employee retires, is  
6 eligible and has applied for benefits under a retirement system  
7 authorized under chapter 97A or 97B, including the teachers  
8 insurance annuity association (TIAA) and the college retire-  
9 ment equity fund (CREF), the employee shall receive cash pay-  
10 ment for the employee's accumulated, unused sick leave in both  
11 the active and banked sick leave accounts except when, in lieu of  
12 cash payment, payment is made for monthly premiums for health or  
13 life insurance or both as provided in a collective bargaining  
14 agreement negotiated under chapter 20. The payment shall be  
15 calculated by multiplying the number of hours of accumulated,  
16 unused sick leave by the employee's hourly rate of pay at the  
17 time of retirement. However, the total cash payment for  
18 accumulated, unused sick leave shall not exceed two thousand  
19 dollars and is payable upon retirement. Banked sick leave is  
20 defined as accrued sick leave in excess of ninety days. A state  
21 employee who retired on or after July 1, 1977, but before July 1,  
22 1979, may file claims for the employee's accrued sick leave  
23 credit authorized in this section. The claim of a state em-  
24 ployee ~~paid-through-the-state-comptroller's-centralized-payroll~~  
25 ~~system-and-the-department-of-transportation-payroll-system~~  
26 ~~shall-be-filed-with-the-state-comptroller-on-forms-provided~~  
27 ~~by-the-state-comptroller.--The-claim-for-an-employee-of-the~~  
28 ~~state-board-of-regents-shall~~ be filed with, and the state  
29 ~~board-of-regents-on~~ forms provided-prescribed by, the  
30 ~~board~~ department of personnel. The director of the  
31 department of personnel shall adopt the rules necessary  
32 for the administration of this section, subject to chapter  
33 seventeen A (17A) of the Code.

34 Sec. 40. Section seventy-nine point twenty-four (79.24),  
35 unnumbered paragraph one (1), Code 1981, is amended to read as

1 follows:

2 The state and any political subdivisions of the state shall  
3 grant employees leave from employment to participate in olympic  
4 competition sanctioned by the United States olympic committee.  
5 Any leave granted shall not exceed the time required for actual  
6 participation in the competition, plus a reasonable time for  
7 travel to and return from the site of the competition, and a  
8 reasonable time for precompetition training at the site. The  
9 state or political subdivision shall compensate the employee at  
10 the employee's regular rate of pay during any leave granted.  
11 Pay for each week of leave shall not exceed the amount the  
12 employee would receive for a normal work week, and the employee  
13 shall not be paid for any day spent in olympic competition for  
14 which he/she would not ordinarily receive pay as part of his  
15 or her regular employment. The maximum leave granted per  
16 fiscal year under this section shall not exceed ninety days.  
17 Employees with approved leave shall retain all employment  
18 benefits throughout the leave of absence. The director of  
19 ~~the-Iowa-merit-employment-commission~~ department of personnel  
20 shall promulgate rules for the implementation of this section,  
21 subject to chapter seventeen A (17A) of the Code.

22 Sec. 41. Section eighty point eight (80.8), Code 1979, is  
23 amended to read as follows:

24 80.8 PATROLMEN PEACE OFFICERS AND CIVILIAN EMPLOYEES -  
25 SALARIES. The commissioner, with the approval of the governor  
26 shall appoint ~~such-deputies, inspectors, peace officers,~~  
27 ~~clerical-workers~~ and other civilian employees as ~~may-be~~ re-  
28 quired to properly discharge the duties of this department.  
29 The peace officers shall be appointed and administered pur-  
30 suant to this chapter and the civilian employees shall be  
31 appointed and administered pursuant to chapter 19A.

32 The commissioner may delegate to the peace officers  
33 ~~members-of the Iowa-highway-safety-patrol~~ department such  
34 additional duties in the enforcement of this chapter as ~~he-may~~  
35 are deemed proper and incidental to the duties now imposed upon

1 them by law.

2 The salaries of all peace officers members and civilian  
3 employees of the department shall be provided for by the legis-  
4 lative appropriation ~~therefore~~ for that purpose. The compensa-  
5 tion of the peace officers members-of the highway-patrol depart-  
6 ment shall be fixed according to grades as to rank and length  
7 of service by the commissioner with the approval of the governor.  
8 The peace officers members of the highway-patrol department as  
9 identified by section 97A.3(1) shall be paid additional compen-  
10 sation in accordance with the following formula: When peace  
11 officers members of the highway-patrol department have served  
12 for a period of five years their compensation then being paid  
13 shall be increased by the sum of twenty-five dollars per month  
14 beginning with the pay period month succeeding the foregoing  
15 described five year period; when peace officers members-there-  
16 of have served for a period of ten years their compensation  
17 then being paid shall be increased by the sum of twenty-five  
18 dollars per month beginning with the pay period month suc-  
19 ceeding the foregoing described ten year period, ~~such~~ the sums  
20 being in addition to the increase provided herein to be paid  
21 after five years of service; when peace officers members  
22 have served for a period of fifteen years their compensation  
23 then being paid shall be increased by the sum of twenty-five  
24 dollars per month beginning with the pay period month  
25 succeeding the foregoing described fifteen year period, ~~such~~  
26 the sums being in addition to the increases previously pro-  
27 vided herein; when peace officers members thereof have served  
28 for a period of twenty years their compensation then being paid  
29 shall increase by the sum of twenty-five dollars per month be-  
30 ginning with the pay period month succeeding the foregoing  
31 described twenty year period, ~~such~~ the sums being in addition  
32 to the increase previously provided for herein. While on active  
33 duty each ~~patrolman~~ trooper shall also receive a ~~flat~~ daily  
34 per diem sum as fixed by the commissioner with the approval  
35 of the governor. ~~For-meals-while-away-from-the-office-to~~

1 ~~which-he-has-been-assigned-and-within-his-district.~~

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

6 Sec. 42. Section eighty point fifteen (80.15), Code 1979, is  
7 amended to read as follows:

8 80.15 EXAMINATION - OATH - PROBATION - DISMISSAL. ~~No~~  
9 An applicant for peace officer membership in the department of  
10 public safety, ~~except clerical-workers~~ civilian employees and  
11 railway special agents appointed under section 80.7, shall not  
12 be appointed as a peace officer member until ~~he~~ the applicant  
13 has passed ~~a-satisfactory~~ physical, and mental and other exami-  
14 nations determined by commissioner. In addition, ~~such the~~  
15 applicant must be a citizen of the United States, be of good  
16 moral character, and except for capitol security peace officers,  
17 be not less than twenty-two years of age. The mental examination  
18 shall be conducted under the direction and ~~or~~ supervision of the  
19 commissioner of public safety and may be oral, or written or  
20 both. Each applicant shall take an oath on becoming a  
21 peace officer member-of the ~~force~~ department, to uphold the  
22 laws and Constitution of the United States and the state of Iowa.  
23 During the period of twelve months after the appointment as a  
24 peace officer, any peace officer member of the department of  
25 public safety, ~~except-members-of-the-present-highway-safety~~  
26 ~~patrol-who-have-served-more-than-six-months~~ shall be subject  
27 to dismissal at the will of the commissioner. After twelve  
28 months of satisfactory service, ~~no~~ a peace officer member of  
29 the department, who shall have been appointed after having  
30 passed the ~~before-mentioned~~ examinations, shall not be sub-  
31 ject to the dismissal unless ~~charges-have~~ a charge has been  
32 filed with the secretary of the executive council and a  
33 hearing held before the executive council, if requested by  
34 the peace officer member-of-the-department, at which time the  
35 peace officer member shall have an opportunity to present a



1 defense to ~~such~~ the charge. The decision of the executive  
 2 council by majority vote shall be final, subject to the right of  
 3 judicial review in accordance with the terms of the Iowa admin-  
 4 istrative procedure Act. All rules except employment provisions  
 5 negotiated pursuant to chapter 20, regarding the enlistment,  
 6 appointment and employment affecting the peace officers per-  
 7 ~~sonnel~~ of the department shall be established by the commis-  
 8 sioner with the approval of the governor.

9 Sec. 43. Section eighty-six point two (86.2), Code 1979, is  
 10 amended to read as follows:

11 86.2 APPOINTMENT OF ~~DEPUTIES~~ HEARING OFFICERS. The com-  
 12 missioner may appoint and administer deputy-industrial-commis-  
 13 sioners hearing officers in accordance with the provisions of  
 14 chapters 17A and 19A for whose acts the commissioner shall be  
 15 responsible ~~and who shall serve during the pleasure of the~~  
 16 ~~commissioner, and all such deputies must be lawyers admitted~~  
 17 ~~to practice in this state.~~

18 Sec. 44. Section ninety-seven A point five (97A.5),  
 19 subsection one (1), Code 1979, is amended to read as  
 20 follows:

21 97A.5 ADMINISTRATION.

22 1. Board of Trustees. The general administration and the  
 23 responsibility for the proper operation of the system and for  
 24 making effective the provisions of this chapter are hereby vested  
 25 in a board of trustees to administer the system. Such board of  
 26 trustees shall be constituted as follows: The commissioner of  
 27 public safety, who shall be chairperson of said board, the dir-  
 28 ector of the department of personnel, the state treasurer, and  
 29 an two actively engaged members of the system, to be chosen by  
 30 secret ballots by the members thereof for a terms of two years.  
 31 One of the actively engaged members of the system shall be a  
 32 supervisory peace officer at the time of election to the  
 33 board and shall be elected by the supervisory members. One of  
 34 the actively engaged members of the system shall be a non-  
 35 supervisory peace officer at the time of election to the

1 board and shall be elected by the non-supervisory members.

2 Sec. 45. Section ninety-seven B point five (97B.5), Code  
3 1979, is amended to read as follows:

4 97B.5 OFFICERS AND EMPLOYEES. Subject to other provisions  
5 of this chapter, the department ~~is authorized to~~ may appoint,  
6 fix the compensation, and prescribe the duties and powers of  
7 ~~such the~~ officers, accountants, attorneys, experts, actuaries  
8 and other persons as ~~may be~~ necessary in the performance of its  
9 duties. ~~The department shall classify its positions and~~  
10 ~~shall establish salary schedules and minimum personnel stan-~~  
11 ~~dards for the positions so classified. All positions shall~~  
12 ~~be filled by persons selected and appointed on the basis of~~  
13 ~~competency and fitness for the position to be filled. The~~  
14 staff shall be appointed and administered pursuant to chapter  
15 nineteen A (19A) of the Code. The department shall not appoint  
16 or employ any person who is an officer or committee member  
17 of any political party organization or who holds or is a  
18 candidate for any elective public office. ~~The department~~  
19 ~~shall establish and enforce fair and reasonable regulations~~  
20 ~~based upon ratings of efficiency and fitness and for termina-~~  
21 ~~tions for cause. The department may delegate to any such a~~  
22 person so appointed ~~such power and~~ the authority as it deems  
23 reasonable and proper for the effective administration of this  
24 chapter, and may ~~in its discretion~~ bond any person handling  
25 moneys or signing checks ~~hereunder~~ under this chapter. The  
26 department is authorized to enter into arrangements with the  
27 federal bureau of employment security whereby services performed  
28 by the department and its employees both under this chapter and  
29 under the Iowa employment security chapter shall be equitably  
30 apportioned between the funds provided for the administration of  
31 said chapters. That money spent for rentals, supplies and  
32 equipment used by both agencies shall be equitably apportioned  
33 and charged against said funds.

34 Sec. 46. Section ninety-seven B point eight (97B.8),  
35 unnumbered paragraph one (1), lines eleven, twelve, and thirteen

1 (11, 12, and 13), Code 1979, are amended to read as follows:

2 The board shall consist of ~~seven-eight~~ members. ~~Five-Six~~  
3 of the members shall be appointed by the governor, one of whom  
4 shall be the director of the department of personnel, one of  
5 whom shall be an executive of a domestic life insurance company,  
6 one an executive of a state or national bank operating within  
7 the state of Iowa, one an executive of a major industrial cor-  
8 poration located within the state of Iowa, and two shall be  
9 active members of the system, one of whom shall be an employee  
10 of a school district, county school system, joint county system  
11 or merged area and one of whom shall not be an employee of a  
12 school district, county school system, joint county system or  
13 merged area.

14 Sec. 47. Section ninety-seven B point sixty-seven (97B.67),  
15 subsection one (1), unnumbered paragraph two (2), Code 1979, is  
16 amended to read as follows:

17 It is also the intent of the general assembly that the  
18 monthly benefit specified in section 97B.49, subsection 5 be  
19 reviewed annually by the general assembly and that the general  
20 assembly will consult with the Iowa public employees' retirement  
21 system compensation and employment division director of the ~~Iowa~~  
22 ~~department of job-service~~, and the consulting actuaries and the  
23 director of the department of personnel relating to the actuar-  
24 ial soundness of the system in order that the percent of the  
25 final five-year average covered wage used in determining monthly  
26 benefits will be increased by action of the general assembly as  
27 the contribution rates increase until the percent of the final  
28 five-year average covered wage used in determining monthly  
29 benefits equals fifty.

30 Sec. 48. Section ninety-seven B point seventy-two (97B.72),  
31 Code 1979, amended by striking the section in its entirety.

32 Sec. 49. Section one hundred twenty three point twenty  
33 (123.20), subsection five (5), Code 1979, is amended to read as  
34 follows:

35 5. To appoint ~~vendors, clerks, agents, or other~~ all employ-

1 ees required for carrying out the provisions of this chapter; to  
 2 dismiss such employees for cause; to assign such employees to  
 3 such divisions as may be created by the director within the de-  
 4 partment; and to designate their ~~title~~, duties, and powers. The  
 5 ~~All~~ employees of the department, ~~except occasional or part-time~~  
 6 ~~employees and the director~~, shall be subject to the provisions  
 7 of chapter 19A.

8 Sec. 50. Section one hundred thirty seven point six (137.6),  
 9 subsection four (4), Code 1979, is amended to read as follows:

10 4. Employ such employees-persons as are necessary for the  
 11 efficient discharge of its duties. Employment practices shall  
 12 ~~meet the requirements of the Iowa merit system council or any~~  
 13 ~~civil service provision adopted under chapter 400~~ be under the  
 14 jurisdiction of and in accordance with the provisions of  
 15 chapter 400, or where no civil service system exists to pro-  
 16 vide merit system coverage, the provisions of the Iowa de-  
 17 partment of personnel.

18 Sec. 51. Section two hundred eighteen point ten (218.10),  
 19 Code 1979, is amended to read as follows:

20 218.10 SUBORDINATE ~~OFFICERS-AND~~ EMPLOYEES. The division  
 21 director in charge of a particular institution; with the consent  
 22 and approval of the commissioner of the department of social  
 23 services, shall determine the number ~~and compensation~~ of subor-  
 24 dinate ~~officers-and~~ employees for each institution. Subject to  
 25 the provisions of this chapter, ~~such the officers-and~~ employees  
 26 shall be appointed and discharged by the chief executive officer  
 27 ~~or business manager~~ pursuant to chapter nineteen A (19A) of the  
 28 Code. ~~Such~~ The officer shall keep, in the record of each sub-  
 29 ordinate ~~officer-and~~ employee, the date of employment, the com-  
 30 pensation, and the date of each discharge, and the reasons  
 31 ~~therefor~~ for discharge. ~~All of these employees, except physi-~~  
 32 ~~cians-and-surgeons, shall be bona fide residents and citizens of~~  
 33 ~~the state of Iowa at the time of employment.~~ ~~An exception to~~  
 34 ~~this provision of residence may be granted by such division~~  
 35 ~~director for the sole purpose of securing professional and/or~~

1 ~~scientific-services-or-both-which-are-unavailable-from-among~~  
2 ~~the-citizens-of-the-state-of-Iowa-~~

3 Sec. 52. Section two hundred eighteen point thirteen  
4 (218.13), Code 1979, is amended by striking the section in  
5 its entirety.

6 Sec. 53. Section two hundred nineteen point eleven (219.11),  
7 Code 1979, is amended to read as follows:

8 219.11 EMPLOYEES' ~~AND-OFFICERS'~~ COMPENSATION. The comman-  
9 dant, subject to the director's approval, shall appoint and may  
10 remove all subordinate ~~officers~~ employees pursuant to chapter  
11 nineteen A (19A) of the Code. The employees shall be appointed  
12 by the commandant who shall keep in the record of each ~~officer~~  
13 ~~and~~ employee, the date of employment, the compensation, and the  
14 date of discharge and the reasons therefor. The commandant shall  
15 have the power to discipline or discharge any ~~officer-or~~ em-  
16 ployee for insubordination, ~~or~~ neglect of duty or other good  
17 cause ~~and-his-aets-and-decisions-shall-be-reviewable-only-by~~  
18 ~~the-director-whose-decision-shall-be-final~~ subject to the  
19 right of appeal established herein.

20 Sec. 54. Section two hundred fifty-seven point twenty-one  
21 (257.21), Code 1979, is amended to read as follows:

22 257.21 EMPLOYEES OF DEPARTMENT. The state superintendent  
23 shall appoint all employees, with due regard to their qualifi-  
24 cations for duties to be performed, designate their titles and  
25 prescribe their duties. If deemed advisable, the state super-  
26 intendent may for cause effect the removal of any employee in  
27 the state department of public instruction. The total amount of  
28 compensation for employees shall be subject to the limitation  
29 of the appropriation and other funds available for the mainten-  
30 ance of the department. The appointment, promotion, demotion,  
31 change in salary status or removal for cause of any employee  
32 shall be subject to the approval of the state board, and made  
33 pursuant to chapter nineteen A (19A) of the Code for employees  
34 fully covered by chapter 19A of the Code.

35 Sec. 55. Section two hundred fifty-seven point twenty-four

1 (257.24), Code 1979, is amended to read as follows:

2       257.24 SALARIES OF SUPERINTENDENT AND ASSISTANTS. The salary  
3 of the superintendent of public instruction shall be fixed by the  
4 general assembly. The salary of the deputy state superintendent  
5 shall be fixed by the state board, however, ~~such that~~ salary  
6 ~~and the salary of any other employee of the department of public~~  
7 ~~instruction~~ shall not exceed eighty-five percent of the salary  
8 of the state superintendent. All appointments ~~to~~, promotions,  
9 demotions, changes in salary status, or removal for cause of  
10 the professional staff of the department of public instruction  
11 fully covered by the provisions of chapter 19A of the Code shall  
12 be without reference to political party affiliation, religious  
13 affiliation, sex, or marital status, but shall be based solely  
14 upon fitness, ability and proper qualifications for the par-  
15 ticular position made pursuant to chapter nineteen A (19A)  
16 of the Code. The ~~professional staff, including the state~~  
17 ~~superintendent, and other officers who are partially covered~~  
18 ~~by provisions of chapter 19A of the Code shall serve at the~~  
19 ~~discretion of the state board, provided however, that no~~  
20 ~~such person, but the state superintendent or the other said~~  
21 ~~partially covered officers shall not~~ be dismissed for  
22 cause without at least ninety days notice, except in cases of  
23 conviction of a felony or cases involving moral turpitude. In  
24 cases of procedure for dismissal of employees partially  
25 covered by chapter 19A of the Code, the accused shall have the  
26 same right to notice and hearing as teachers in the public  
27 school system as provided in section 279.27, or as much thereof  
28 as may be applicable.

29       Sec. 56. Section two hundred fifty-eight point three  
30 (258.3), Code 1979, is amended to read as follows:

31       258.3 PERSONNEL. The superintendent of public instruction as  
32 executive officer of the state board of public instruction shall,  
33 with its approval, appoint, and direct the work of ~~such the~~  
34 personnel as may be necessary to carry out the provisions of  
35 this chapter. The personnel covered by chapter 19A of the Code

1 shall be employed and administered pursuant to chapter nineteen  
2 A (19A) of the Code.

3 Sec. 57. Section two hundred fifty-nine point four (259.4),  
4 subsection three (3), Code 1979, is amended to read as follows:

5 3. Appoint ~~such-assistants-staff~~ as ~~may-be-necessary~~ to  
6 administer the provisions of this chapter and ~~said-the~~ Act of  
7 Congress in this state and fix the compensation of ~~such-those~~  
8 persons. The staff covered by the provisions of chapter 19A  
9 of the Code shall be employed and administered pursuant to  
10 chapter nineteen A (19A) of the Code.

11 Sec. 58. Section two hundred sixty-two point twelve  
12 (262.12), Code 1979, is amended to read as follows:

13 262.12 COMMITTEES AND ADMINISTRATIVE OFFICES UNDER THE  
14 BOARD. The board of regents shall ~~also-have-and-exercise~~  
15 ~~all-the-powers-necessary-and-convenient~~ provide for the  
16 effective administration of its office and of the institu-  
17 tions under its control, and to this end may create ~~such~~  
18 committees, offices and agencies from its own members or  
19 others, and employ persons to staff the same, fix their com-  
20 pensation and tenure and delegate ~~thereto~~ to its staff, or  
21 to the administrative officers and faculty of the institutions  
22 under its control, ~~such~~ any part of the authority and duties  
23 vested by statute in the board, and shall formulate and estab-  
24 lish ~~such~~ rules, outline such policies and prescribe ~~such~~  
25 procedures therefore, all as ~~may-be-desired-or~~ determined by  
26 the board as recorded in ~~their~~ its minutes. Persons covered  
27 by chapter 19A of the Code who are employed by the board or any  
28 agency or institution under its jurisdiction shall be appointed  
29 and administered pursuant to chapter nineteen A (19A) of the  
30 Code.

31 Sec. 59. Section five hundred nine A point eleven (509A.11),  
32 subsection one (1), Code 1979, is amended to read as follows:

33 1. The words "governing body" mean the ~~executive-council-of~~  
34 ~~the-state-department~~ of personnel, the board of supervisors of  
35 counties, the school boards of school districts, and the

1 superintendent or other person in charge of an institution  
2 supported in whole or in part by public funds.

3 Sec. 60. Section six hundred one B point three (601B.3),  
4 Code 1979, is amended to read as follows:

5 601B.3 OFFICERS--ASSISTANTS. The commission shall elect its  
6 own officers and shall employ a director and ~~such-assistants~~  
7 staff as ~~may-be~~ necessary to carry out the provisions of this  
8 chapter, and hold ~~such~~ meetings as ~~it-may-determine-necessary~~.  
9 Persons covered by chapter nineteen A (19A) of the Code who are  
10 employed by the commission shall be appointed and administered  
11 pursuant to chapter nineteen A (19A) of the Code.

12 Sec. 61. PRIOR ACTIONS. Any rule adopted, or order or form  
13 issued under chapters 7A, 18 division V, 19A, 20, 28D, 68A, 79, 80,  
14 86, 97B, 123, 137, 218, 219, 257, 258, 259, 262, 509A, 601B or any  
15 other section of the Code relating to personnel policies and the  
16 employment of personnel in agencies or divisions of state  
17 government governed by those chapters effective at the time of  
18 the implementation of this Act that are found by virtue of this  
19 Act to be inconsistent with it, shall remain in effect until  
20 modified or rescinded by action of the department of personnel as  
21 provided in this Act.

22 Sec. 62. POSITIONS AND EMPLOYEES TRANSFERRED. All positions  
23 and incumbent staff of the Iowa merit employment department are  
24 transferred to the department of personnel. Positions and  
25 incumbent staff in other agencies of state government responsible  
26 for the administration or support of programs moved to the  
27 department of personnel as a result of this Act are transferred  
28 to the department of personnel. Any employees of agencies of  
29 state government whose duty assignments are transferred or  
30 terminated because of this Act may be reassigned to other  
31 positions for which they qualify in that agency. No employees so  
32 transferred or reassigned shall lose any rights, privileges, or  
33 benefits accrued that were associated with their status as  
34 employees prior to the effective date of this Act.

35 Sec. 63. TRANSITION UNDER THIS ACT.



1        1. Any state employee holding a position fully covered by chap-  
2 ter 19A of the Code as of the date of implementation of this Act,  
3 or any employee who is transferred to a position fully covered by  
4 chapter 19A of the Code because of this Act, and who has held such  
5 position or other state government position for six months or more  
6 immediately preceding the implementation of this Act, shall be  
7 given permanent status as defined by the rules of the department  
8 of personnel with all the rights and privileges associated with it.

9        2. Any state employee holding a position fully covered by  
10 chapter 19A of the Code as of the date of implementation of this  
11 Act, or any employee who is transferred to a position fully cov-  
12 ered by chapter 19A of the Code because of this Act, and who has  
13 held such position or other state government position for less  
14 than six months immediately preceding the implementation of this  
15 Act, shall be given probationary status as defined by the rules  
16 of the department of personnel, and shall serve in such proba-  
17 tionary status until his/her continuous employment with state  
18 government equals six months, at which time she/he will be  
19 eligible for permanent status.

20        3. This section does not preclude the reclassification or  
21 reallocation as necessary of any position so transferred as  
22 provided in chapter 19A of the Code.

23        4. Any employee currently or hereafter holding a position  
24 fully covered by chapter 19A of the Code or fully covered by any  
25 other merit system of personnel administration provided for in  
26 the Code who, because of the provisions of this Act would be  
27 holding a position partially covered by the provisions of this  
28 Act, shall continue to be fully covered by the provisions of  
29 chapter 19A of the Code until the employee terminates employment  
30 in that position, or chooses to promote from it.

31        Sec. 64. EFFECTIVE DATE--TRANSITION.

32        1. This Act becomes effective July 1, 1983, except that this  
33 section becomes effective July 1, 1981. Between July 1, 1981  
34 and July 1, 1983, the governor shall appoint the director of  
35 the department of personnel, authorize the appointment of

1 hearing officers as provided for in this Act, and authorize the  
2 director of the department of personnel to plan for the transfer  
3 of powers, duties, personnel, records, and other property as ap-  
4 plicable. The director of the department of personnel shall adopt  
5 rules to carry out the reassignment, reallocation or transfer of  
6 employees as provided in sections 62, 63 and 64 of this Act and  
7 the merit employment commission shall decide any written appeal  
8 brought under the provisions of this Act by an employee concern-  
9 ing any transfer, reassignment, reclassification or termination  
10 made necessary by this Act during this period. The director of  
11 the department of personnel is authorized to carry out duties  
12 as provided in this section before July 1, 1983, and may be paid  
13 a salary or per diem and expenses from funds appropriated to the  
14 Iowa merit employment department.

15 2. The terms of office of the members of the Iowa merit  
16 employment commission shall continue until their respective  
17 expiration dates.

18 3. Notwithstanding the provisions of section forty-four (44)  
19 of this Act, the elected member of the board of trustees of the  
20 Iowa department of public safety peace officers' retirement,  
21 accident and disability system serving on the effective date of  
22 this Act may continue to serve on the board until the expiration  
23 of her/his term. Effective July 1, 1983, an election may be  
24 organized and held to choose the second elected member as  
25 provided for in section forty-four (44) of this Act.

26 Sec. 65. INCONSISTENT STATUTES. The provisions of this  
27 Act shall prevail over any inconsistent provisions of the  
28 Code now in existence or hereafter enacted except for statutes  
29 hereafter enacted which expressly provide that they shall take  
30 precedence over all or some specified portion of this Act.

31 EXPLANATION

32 This bill provides for the creation of a department of  
33 personnel to administer the personnel system for state government  
34 and to administer or coordinate state employee benefit programs,  
35 and for the creation of a state personnel board to hear and

1 decide on employee grievances and appeals brought under the  
2 provisions of this Act. The bill transfers the administration  
3 of the employment plans of the state educational radio and  
4 television facility board, the state board of regents, the Iowa  
5 commission for the blind and the vocational rehabilitation branch  
6 of the department of public instruction to the new department,  
7 partially covers certain employees of the department of public  
8 instruction, the department of public safety, the public  
9 employment relations board, the development commission, the  
10 office of the attorney general, the arts council, the office for  
11 planning and programming, the office of the state auditor, the  
12 crime commission and various other departments under the  
13 department of personnel, and transfers the administration of most  
14 employee benefit programs to the new department. The department  
15 of personnel is also responsible for negotiating and  
16 administering collective bargaining agreements on behalf of the  
17 state.

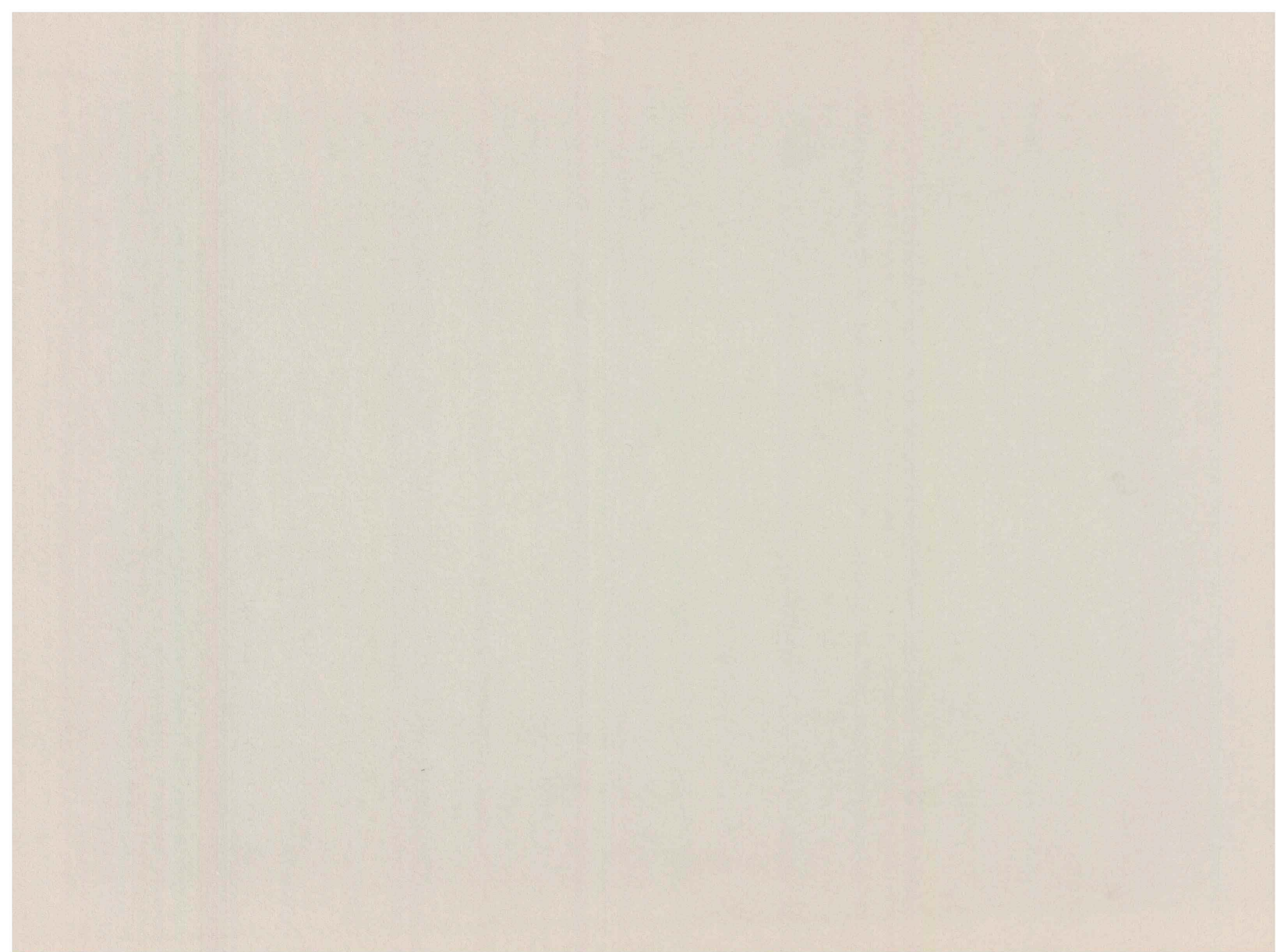
18 The director of the department of personnel and the members  
19 of the state personnel board are appointed by the governor  
20 subject to confirmation by the senate. The state personnel board  
21 has five members appointed to four-year overlapping terms.

22 The bill is effective July 1, 1983, but the director of  
23 the new department, administrative hearing officers, and members  
24 of the state personnel board may be appointed on or after July 1,  
25 1981, to make preparation for the transfer of powers, duties,  
26 personnel, records and equipment on July 1, 1983.

27 This bill includes or has taken into account recommenda-  
28 tions number 24, 25, 26, 27, 28, 29, 30, 31, 36 and 254 of the  
29 governor's economy committee which are closely related to or  
30 dependent upon the creation of the department of personnel.  
31 Recommendation number 24 provides for the establishment of a new  
32 department of personnel; recommendation number 25 provides for  
33 the centralization of the state's equal employment opportunity  
34 affirmative action program; recommendation number 26 provides for  
35 the creation of a benefits unit to administer all employee

1 benefit programs; recommendation number 27 provides for the  
2 consolidation of the state's employment plans; recommendation  
3 number 28 provides for the centralization of the state's  
4 management development and employee training programs;  
5 recommendation number 29 provides for the establishment of an  
6 employee communications program; recommendation number 30  
7 provides for the implementation of a statewide safety program;  
8 recommendation number 31 provides for the establishment of a  
9 comprehensive employment data base; recommendation number 36  
10 provides for the exclusion of public employment relations board  
11 employees from collective bargaining; and recommendation number  
12 254 provides for the transfer of the Iowa public employees'  
13 retirement system to the new department of personnel.

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