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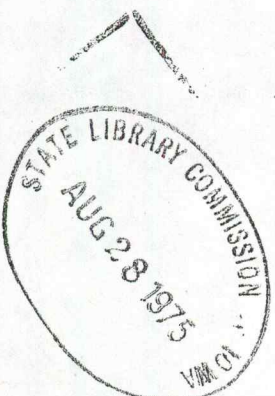
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STATE OF IOWA

MERIT EMPLOYMENT DEPARTMENT

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CHAPTER 1 DEFINITIONS

1. **"Absence without Leave"** means any absence of a classified employee from duty without specific authorization, either before or after such absence.
2. **"Act of Merit Employment Act"** means the Law creating the Merit System of Personnel Administration and any amendments thereto.
3. **"Agency"** means any legally constituted board, commission, office, authority, agency, department or other branch of state government in which all positions are under the same Appointing Authority.
4. **"Agency Promotional List"** means an eligible list of permanent employees of the agency, or duly established organizational unit thereof, established by examination from which promotions are made.
5. **"Allocation"** means the original assignment of a position to an appropriate class on the basis of duties and responsibilities assigned and performed.
6. **"Appointing Authority"** means the officer, board, commission, person or group of persons having the power by virtue of a statute, or lawfully delegated authority, to make appointments to, or remove from employment in the state classified service.
7. **"Certification"** means that act of submitting the required number of available names on an appropriate eligible list to an Appointing Authority for the purpose of his making a selection in accordance with these rules.
8. **"Class"** or **"Class of Position"** means one or more positions, which are sufficiently similar in duties and responsibilities, that each position in the group can be given the same job title, require the same minimum qualifications as to education and experience, can be filled by substantially the same test of ability or fitness, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.
9. **"Class Specification"** means a descriptive and explanatory guide reflecting distinct characteristics of duties and responsibilities normally assigned to positions allocated to the class and the minimum qualifications requisite thereto.
10. **"Classification Plan"** means the orderly arrangement of positions within the classified service into separate and distinct classes, so that each will contain those positions which involve substantially similar or comparable skills, duties and responsibilities.
11. **"Classified Employee"** means an employee occupying a position in the classified service, or an employee currently on leave in accordance with established leave regulations.
12. **"Commission"** means the Iowa Merit Employment Commission.
13. **"Demotion"** means a change of a classified employee from a position in a given classification to a position in a lower classification with a lower maximum rate of pay. Demotion may be voluntary, involuntary or result from a reallocation of a position.
14. **"Department"** means the Iowa Merit Employment Department.
15. **"Detail to special duty"** means the temporary assignment of a classified employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned without prejudice to his rights in and to his regularly allocated position.
16. **"Director"** means the director of the Iowa Merit Employment Department.
17. **"Eligible List"** means an officially promulgated list of eligibles for a class of position in the order of their final rating in an examination as provided herein.
18. **"Established Position"** means a position duly approved by statute or the Executive Council which is funded and allocated to an appropriate class.
19. **"Examination"** means all the tests of fitness that are applied to determine eligibility of applicants for positions in any class in the classified service.
20. **"Geographic List"** means an officially established list of eligibles residing in a county, or other designated administrative area, in the order of their final rating in an examination.
21. **"Grievance"** means any expressed difference, dispute or controversy between an employee and the appointing authority or his representative with respect to circumstances and conditions which concern their working relationships in the agency.
22. **"Minimum Qualifications"** means the requirements of training and experience and other qualifications, including those to be measured by an appropriate examination, as prescribed in the job specification for the class of position.
23. **"New Position"** means a position not previously existing.

24. **"Open competitive examination"** means an examination which permits the competition of persons who meet the minimum requirements of the official announcement of the class of position, and is not restricted to persons currently employed in the classified service.
25. **"Part-time position"** means a position requiring the services of an employee for less than a standard or non-standard work week on a continuing basis.
26. **"Pay Plan"** means a schedule of salaries or hourly wages established for the several classes recognized in the State classification plan.
27. **"Permanent employee"** means a employee who has completed the required probationary period or who has acquired permanent status in conformity with the Merit Employment Act.
28. **"Position"** means a group of specific duties, tasks and responsibilities assigned by the appointing authority to be performed by one employee; a position may be part-time or full-time, temporary or permanent, occupied or vacant.
29. **"Probationary employee"** means a person certified from a list of eligibles or employed through a work test appointment and serving a probationary period.
30. **"Probationary period"** means a working test period and is a part of the examination process following an original appointment, during which the employee is required to demonstrate his fitness for the position to which he is appointed by the satisfactory performance of the duties and responsibilities of the position to which he is appointed.
31. **"Promotion"** means a change in status of a permanent classified employee from a position in a lower classification to a position in a higher classification having a higher maximum rate of pay.
32. **"Reallocation"** means the reassignment or change in the allocation of a position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of the tasks, duties and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class of position.
33. **"Reinstatement"** means the re-employment of a permanent employee as provided in these rules, or the placing of a probationary or permanent employee's name back on a list of eligibles as provided herein.
34. **"Statewide list"** means a list of eligibles for a class of position, who have indicated their willingness to accept employment wherever a particular vacancy exists, ranked in the order of their examination scores.
35. **"Transfer"** means a change of a permanent classified employee from a position in one class to a different position in the same class in another agency or to a position in a different class with the same maximum rate of pay in the same or another agency from one geographical location to another geographical location.

CHAPTER 2 STATE SERVICE AND ITS DIVISIONS

- 2.1 **Exempt service** - The exempt service shall include those positions as determined by the Commission in accordance with the provisions of section 19A.3. The Director may, upon request, assist and advise Appointing Authorities concerning salary rates appropriate for positions in the exempt service.
- 2.2 **Classified service** - The classified service shall consist of all positions now existing or hereafter created and not included in the exempt service. There shall be in the classified service three (3) divisions, to be known as Division "A", Division "B", and Division "C".
- 2.2(1) Division "A" shall include only those positions and employments for which it is practicable to determine the merit and fitness of applicants by assembled examination.
- 2.2(2) Division "B" shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character and for which an unassembled examination may be used.
- 2.2(3) Division "C" shall include positions involving unskilled, semiskilled, domestic, attendant or custodial work.
- The Director shall assign each class in the position classification plan to Division "A", "B", or "C".
- 2.3 **Non-state employment** - Specialized personal services rendered by an individual to the state under contract as an independent contractor and as a part of, or incidental to, the individual's regular profession or occupation and not as a state employee shall be designated as non-state employment and shall not be subject to the provisions of these rules. The Appointing Authority shall report each such employment to the director in such form and such detail as the Director may require. If, after such investigation as he deems necessary, the Director determines that the proposed employment is

of such a nature as to constitute state employment, he shall so notify the Appointing Authority and the State Comptroller and that notice shall constitute advice that such employment is not in conformance with the provisions of the merit employment act. In evaluating contracts for personal services, the following guidelines shall be used:

- 2.3(1) Whether the contract is with a recognized existing organization rather than with an individual, and the organization has the facilities and expertise to fulfill the contract. However, a contract with an individual may be appropriate if he is an independent contractor "entrepreneur".
- 2.3(2) Whether the contract clearly indicates the "independent contractor" concept with the agency having no direct administrative or supervisory responsibility of the day-to-day carrying out of the contract. So long as the agency has the right to control both the method and result of the services, the individuals involved cannot be considered as independent contractors.
- 2.3(3) Whether the contract includes a terminal date with the end product (report, service to be accomplished, etc.) clearly set forth.
- 2.3(4) Whether the agency is withholding various taxes from the individual's salary. If the individual is on the agency payroll and income taxes are withheld, it is obvious that the agency is the employer and the individual is not working for or as an independent contractor.

CHAPTER 3 CLASSIFICATION PLAN

3.1 Preparation, adoption and maintenance of the classification plan for the classified service.

- 3.1(1) The Commission shall review agency recommendations, hear suggestions, ascertain the actual duties, tasks and responsibilities of all classified positions and adopt a uniform classification plan.
- 3.1(2) The classification plan shall set forth for each class of position a class title, definition, examples of work performed, minimum qualifications and special requirements that are necessary for satisfactory performance in the class. Personal qualifications commonly required of an employee in any class such as good citizenship, honesty, loyalty, sobriety, industry, amiability to supervision and willingness to cooperate with associates shall be implied for entrance into any class.
- 3.1(3) The classification plan shall be so developed and maintained that all positions which are substantially similar and comparable with respect to kind, difficulty and responsibility of work are included in the same class; that the same means of recruitment and appropriate examination method may be used in filling all positions within a class; and, that the same schedule of pay may be applied with equity to all positions in a class in the same geographical area.
- 3.1(4) The Commission through coordination with, and the cooperation of, the agencies, shall from time to time review the classification plan and may add, combine, divide or abolish classes or revise the specifications of existing classes or establish new classes as the needs of the classified service so indicate. All of the aforementioned shall be submitted to the State Comptroller, the Governor and the Executive Council and approved by the Executive Council before they become effective. The director shall submit a schedule of classes of position reflecting the types of employment in each agency to the Governor annually.
- 3.1(5) Each position in the classification plan shall be reviewed at intervals, or at the request of the Appointing Authority or by a permanent classified employee affected by the review to ascertain whether it is correctly allocated. Decisions of the appeal board shall not be subject to review until significant changes in the duties and responsibilities of a position can be shown. Allocation or reallocation shall be made by the Director. The Appointing Authority and permanent classified employees shall be notified in writing. Allocation or reallocation shall become effective on the first day of the pay period following the date of the Director's notice of the action. An Appointing Authority or permanent classified employee affected by such allocation or reallocation, may within fourteen calendar days of notice, file a request in writing to the Director for reconsideration stating the reasons supporting such request. The Director shall act on the request within thirty calendar days. During such period, the original action shall be held until the Director's final determination and notice thereof. Thereafter, allocation or reallocation shall become effective on the first day of the next pay period unless appeal is made as set forth in Chapter 12 of these rules.
- 3.1(6) No allocation or reallocation will become effective, notwithstanding 3.1(5), until approval has been obtained from the State Comptroller stating that such allocation or reallocation does not result in the expenditure of funds in excess of the amount budgeted for the department of the Appointing Authority concerned.
- 3.1(7) The Commission may delegate to the Director such of their duties as imposed under section 3.1 and subdivisions as they deem necessary or expedient for the needs of the classified service.

3.2 **Creation and allocation of new positions** - When a new position, or positions, as approved by the Executive Council, are to be established, the Appointing Authority shall notify the Director in writing and furnish job descriptions. The Director shall study the duties and responsibilities of the new

position, or positions, and determine the proper classification. If an appropriate classification does not already exist, he shall prepare a new class specification to cover the position or positions, and they shall be allocated and approved as set forth in 3.1 of this Chapter.

3.3 Position reallocation - Whenever reorganization of an agency, or action of the Executive Council cause the duties of a position to change or a position appears to have been incorrectly allocated, the Director shall upon his own initiative or at the request of the Appointing Authority or a permanent classified employee affected by the reallocation, investigate the duties of the position or positions in question. After conferring with the Appointing Authority and the classified employees involved and reviewing agency recommendations and suggestions, the Director shall reallocate the positions to the appropriate class or classes in accordance with provisions of 3.1. Reallocation shall not be used to avoid the provisions of the Act or these rules dealing with layoffs, demotions, promotions or dismissals.

3.4 Status of incumbents when positions are reallocated - In all cases of reallocation, the employee in the position when it is reallocated shall be entitled to serve therein with the classified status that he had in the position before its reallocation, provided he meets the minimum qualifications for the class to which his positions is reallocated or if the duties and responsibilities of the position have not appreciably changed. If ineligible for appointment to the position as reallocated, he shall be transferred, promoted or demoted by appropriate action in accordance with the provisions of these rules. However, a classified employee shall not be required to meet the minimum qualifications, if his position is reallocated to a lower or comparable class. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted or demoted, the provisions of these rules regarding separation shall apply.

3.5 Class Specifications - The class specification, along with classification standards and desk audits, shall be considered in allocating positions and specifications shall be interpreted as follows:

3.5(1) Class specifications are descriptive only and are not restrictive. The use of a particular expression of duties, qualifications, requirements or other attributes shall not be held to exclude others not mentioned but germane to the class concept.

3.5(2) In determining the class to which any position shall be allocated, the specification for each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities required and relationship to other classes as affording together a picture of the positions that the class intended to include.

3.5(3) A class specification shall be construed as a general description of the kinds of work characteristic of positions properly allocated to that class and not as prescribing what the duties of any position shall be, nor as limiting the expressed or implied authority of the agency, now or hereafter vested with the right to prescribe or alter the duties of any position.

3.5(4) The fact that all of the actual tasks and duties performed by the incumbent of a position do not appear in the specification of a class to which the position has been allocated shall not be taken to mean that the position is necessarily excluded from the class, nor shall any one example of a typical task taken without relation to other parts of the specification be construed as determining that a position should be allocated to the class.

3.5(5) Changes in minimum qualification requirements shall have no effect on the status of incumbent employees.

3.6 Position descriptions and notification of change in position content - Position descriptions shall be supplied and kept current by the Appointing Authority for each position under his jurisdiction on forms prescribed by the Commission. Agencies shall give written notice to the Director of material changes in the duties and responsibilities of any position.

3.7 Assignment of lead-worker duties - Whenever a classified employee, who is performing the same duties as other employees in his class, is assigned limited supervisory duties such as distribution of work assignments, maintaining a balanced work load among a group and keeping record of work, production or attendance over employees in the same class or a class having the same entrance salary and which duties do not justify reallocation to a supervisory class in a higher pay range, the Appointing Authority may request the Director to approve the position as a "Lead-worker position".

3.8 Position numbering system - The Director in coordination with the office of the State Comptroller shall develop a position numbering system that will uniformly identify the agency and position location, the class code number and the position number of each established position in the classified service.

CHAPTER 4 PAY PLAN

4.1 Preparation and adoption of the pay plan - The Director, after consultation with Appointing

Authorities, shall prepare and recommend to the Commission a pay plan for all classes of positions in the classified service.

4.1(1) Factors to be considered in preparing the pay plan - Pay grades shall be related directly to the position classification plan for the classified service and shall be determined with due consideration to pay grades for other classes, the relative difficulty and responsibility of work in the several classes, the recruiting experience of the state, the availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private and other public jurisdiction in the area, employee turnover, cost of living factors, the financial policies and economic considerations of the State. The minimum and maximum rates of pay assigned the several classes of positions shall be those which most nearly reflect these factors.

4.1(2) Adoption by Commission - The Commission, after holding a public hearing, shall adopt the pay plan, or a revision thereof, and forward same to the Executive Council for approval.

4.1(3) Approval by Executive Council - The pay plan shall become effective on the date it is approved by the Executive Council unless another date is specified.

4.2 Pay plan review and amendment - The Director, at his discretion, but not less than annually, shall review the pay plan, giving consideration to factors as specified in subsection 4.1(1) of these rules, and may recommend revisions to the Commission. Revision in the pay plan shall be made in the same manner as the adoption and approval of the original pay plan under section 4.1 of these rules. Any Appointing Authority may initiate a written request for amendment of the pay plan to the Director.

4.2(1) Revisions in pay grade assignments - At the written request of any Appointing Authority or when the Director determines that a pay grade assignment for a class of position is not competitive or is not properly related to the overall pay plan, the Director may recommend the reassignment of the class of position to a different pay grade. Revision in the pay grade assignment for the class of position shall be made in the same manner as the adoption and approval of the original pay plan under section 4.1 of these rules.

4.2(2) Economic pay adjustment - When the Director's investigations show an increase or decrease in the cost of living, he may recommend a percentage increase or decrease in pay for all pay grades. Upon approval, each step in each pay grade in the pay schedule shall be recalculated to reflect the percentage increase approved. Each employee shall then be placed on his proper step in the revised pay schedule.

4.3 Content of the pay plan - The pay plan for the classified service shall include:

4.3(1) A schedule of numbered pay grades with the minimum, maximum and intermediate steps for each pay grade.

4.3(2) A list of classes of positions by occupational groups and the pay grade to which each class is assigned.

4.4 Pay of employees

4.4(1) Employees to be paid at one of the steps in the pay plan - Each employee shall be paid at one of the steps of pay set forth in the pay plan for the class of positions to which the position he occupies is allocated except as provided in these rules or when otherwise authorized by the Commission. Such pay shall constitute the total compensation for the employee for services rendered to the state.

4.4(2) Total remuneration - No employee shall receive any pay under governmental jurisdiction other than that specifically authorized by the Commission for the discharge of the duties of his position or additional duties which may be assigned to him or which he may undertake, or volunteer to perform as a state employee. In any case in which part of the compensation for services in a classified position, exclusive of military training leave, is paid by another department, division, or an outside agency such as the city, county, or federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned to the end that the total compensation paid to any employee from all sources combined, for any period, shall not exceed the amount payable at the rate prescribed for the class of positions to which the employee is certified and appointed.

4.4(3) Subsistence or maintenance allowances received in lieu of cash shall be considered as part of total compensation - In each case where an employee and his family are provided with full or part maintenance, consisting of one or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation in kind shall be treated as part payment and its value shall be deducted from the appropriate pay rate in accordance with the schedule promulgated by the Director after consultation with Appointing Authorities and approval of the Commission.

4.5 Administration of the pay plan

4.5(1) Entrance rate of pay - The entrance salary for any classified position shall be at the minimum salary for the class of position to which appointed, except:

a. **Appointment based on scarcity of qualified applicants** - When an Appointing Authority submits a written request setting forth the economic or employment conditions which make recruitment of eligibles at the minimum rate for the class of position difficult or impossible, the Director may authorize appointment of qualified eligibles at a higher rate within the pay grade for the class of position in a limited geographical area or for the class as a whole not to exceed step C of the pay grade. The higher entrance rate shall remain in effect until the Director orders such rate rescinded. All employees in the same class and under the same conditions necessitating the higher entrance rate, who are earning less than the higher entrance rate, shall be increased to the approved entrance rate. Thereafter all new employees or promoted employees subject to the same conditions shall be treated in like manner. Requests for appointment above step C of the pay grade for the class of position shall be submitted to the Commission.

b. **Appointment based on overqualification or exceptional qualifications** - An Appointing Authority may with the prior approval of the Director, offer appointment above the entrance rate to qualified eligibles who exceed the minimum qualifications of the class or who possess outstanding and unusual experience for the class of position depending upon the eligible's qualifications and the needs of the Appointing Authority; and, provided further, that all other employees possessing similar qualifications in the same class in the same agency in the same geographical area are adjusted in pay to the step approved. Requests for appointment above step C shall be submitted to the Commission.

c. **Appointment by reinstatement** - A permanent classified employee who has been reinstated to his or her former class of position or to a lower class of position may, at the discretion of the Appointing Authority, be paid at any step within the pay grade for the class of position to which appointed which does not exceed the step in the pay grade to which assigned upon separation from the classified service. Salary increases shall be in accordance with the provisions as to probationary or permanent classified employees. A new merit review date shall be established upon reinstatement.

d. **Military and educational leave** - Any probationary or permanent classified employee who returns from authorized military or educational leave shall be paid at the step in the salary range for his or her class of position to reflect changes in the salary grade for a class of position, reallocation or reclassification of a position within a class of position, cost of living or other adjustment for which he or she would have been eligible if he or she had not gone on such authorized leave. The merit review date shall be adjusted upon return from military or educational leave crediting the period of service on step before the leave, except when educational leave was required by the Appointing Authority. In such cases, time spent on required educational leave shall be fully credited toward the merit review date.

e. **Reappointment from preferred employment lists** - The Appointing Authority may reemploy a former employee from the preferred employment list in accordance with these rules at the same step in the pay grade for the class from which he was laid off or at any step in the pay grade if he is reemployed in a class of position in a lower pay grade, provided it does not exceed the rate he would have been eligible to receive in the class from which he was laid off.

f. **Appointment below minimum step (A) of the pay grade** - The Director may authorize appointment below the minimum step (A) of the pay grade for a class as follows:

(1) **Career development appointment** - When a career development appointment is made in accordance with these rules, the rate of pay shall be set one (1) step below the minimum step (A), or the special appointment rate, whichever is applicable, for each six (6) months experience the appointee lacks in meeting the minimum experience requirements for the class to which the career development appointment is being made. If the appointee is a permanent employee, and his rate of pay equals or exceeds the rate provided herein, he shall be permitted to accrue pay rights in the class from which he is appointed until such time as his eligibility for pay increase exceeds the rate to which he is entitled in his former class.

(2) **Cooperative training and trainee appointments** - When cooperative training and trainee appointments are made in accordance with these rules, the rate of pay shall be set one step below the minimum step "A" or the special appointment rate, whichever is applicable, for each semester of training the appointee lacks in meeting the minimum training requirements for the class to which the co-operative training or the trainee appointment is made, unless a lower appointment rate of pay is authorized by the Commission.

(3) **Budget limitation** - If the Director is advised by the State Comptroller that an agency is unable to make appointments at the minimum step (A) of the pay grade for a class because of budget limitations he may authorize appointment at such step below the minimum as budgetary conditions will permit.

(4) **Competitive rates below minimum** - When the Director determines that the competitive entrance rate for a class in a geographical area is below the minimum step (A) of the pay grade, he may authorize appointment of eligibles at such step below the minimum as is necessary to avoid payment of premium entrance rates in that area.

Such rate shall be used for all appointments made in the geographical area concerned, until such time as economic conditions warrant a higher entrance rate.

4.5(2) Merit pay increases - A merit pay increase is a periodic increase in pay from one step to the next higher step within the pay grade for a class.

a. **A basis for merit pay increases** - Merit pay increases shall not be automatic or retroactive. All such pay increases shall be upon specific recommendation of the Appointing Authority and shall be based on standards of performance as indicated by official performance ratings and other pertinent data.

b. **Merit pay increase eligibility** - Probationary and permanent classified employees shall be eligible and may be given consideration by the Appointing Authority for a one (1) step merit pay increase at the beginning of the pay period following the satisfactory completion of the periods of service prescribed below for progression from step to step within the pay grade for the class to which their positions are allocated. The periods of service shall be exclusive of time spent on educational leave (*except as required by the Appointing Authority*) or leave without pay *which exceed 30 days*, and periods during which service was rated less than satisfactory as reflected by an official performance rating. Periods of satisfactory service required for eligibility as follows:

(1) Progression from step A to B and step B to C - six (6) months.

(2) Progression from step C to D, step D to E and step E to F - twelve (12) months.

(3) Progression from step F to G and step G to H - twenty-four (24) months, except employees occupying Highway Engineer-in-Training positions may be considered for merit pay increase progression from step F to G in twelve months prior to required registration as a professional engineer.

(4) Maintenance and trades classes which are assigned to Salary Schedule II in the compensation plan may be considered for merit increase progression from the entrance rate to the intermediate rate after six months of service, and from the intermediate rate to the maximum rate after eighteen months of service.

c. **Merit review date** - Any type of pay increase given an individual, other than an adjustment incident to an upward revision of the salary range of the class in which he or she is employed, an exceptionally meritorious service raise, pay for leadworker duty assignment, pay differential or special duty assignment, shall establish a new merit review date for purposes of eligibility for merit increases. For any employee at the top of or "red circled" above the top step of a pay range, his or her merit review date shall be established as the date of his or her last pay raise as provided herein, and upon adjustment of the pay range the time period spent at such top step or "red circled" rate shall be credited against the time interval between steps in the new range. If any. When a probationary employee is appointed to the classified service, the merit review date shall be established on the first day of the pay period for those employees who enter on duty on the first work day of a pay period. Otherwise, it shall be the first day of the pay period following the date of entry on duty.

4.5(3) Pay increase for exceptionally meritorious service - A pay increase of one (1) step within the pay grade for the class may be made for exceptionally meritorious service, in addition to merit pay increases provided in subsection 4.5(2) of these rules, upon recommendation of the Appointing Authority and the approval of the Commission. Exceptionally meritorious service pay increases shall be governed by the following:

a. The employee must have served in the position for at least three (3) months.

b. Written justification, setting forth in detail the nature of the exceptionally meritorious service rendered, must be submitted to the Commission and approved in advance of granting the pay increase.

c. No more than one exceptionally meritorious service pay increase may be granted in any twelve (12) month period.

4.5(4) Pay increase upon promotion - A promotion means a change from a position in one class to a position in another class having a higher maximum rate of pay.

a. An employee who is promoted shall have his pay increased to the minimum step (A) of the pay grade for the higher class if his rate of pay before promotion falls below said minimum (A) step. In the case of overlapping grades and the employee's rate of pay is at or above the minimum (A) step of the pay grade for the class to which he is promoted, he shall receive a one-step promotional pay increase except as otherwise provided in b. and c. below.

b. For promotions between classes with a one- or two- pay step differential between the pay grades, the Director may approve a two-step promotional increase, provided the appointing authority certifies that a change of residence beyond a normal commuting distance is required to the appointee.

c. For promotions between classes with a three- or more pay step differential between the pay grades, the Director may approve a two-step promotional increase upon written request of the appointing authority.

d. An appointing authority may, for employees who fall within Section 4.5(1) b., as with a new employee, request the Commission approval for similar consideration.

- 4.5(5) Pay for lead worker duty assignment**
a. An employee who is occupying a position which has been classified by the Director as a lead worker position, as provided in these rules, shall be eligible for one a one (1) step pay increase in addition to his regular step in the pay grade for the class to which the position is allocated.
b. At such time as the employee is removed from the position or the lead worker duties are removed therefrom, the employee's pay shall be reduced one (1) step to his regular step in the pay grade for the class.
- 4.5(6) Pay upon assignment to special duty** - When an employee is assigned to special duty in another position, as provided in these rules his pay may be increased to the minimum step he could receive upon promotion to such position, provided that:
a. Any such temporary increase granted shall not affect the employee's eligibility for pay increases in his regular position.
b. At the expiration of the assignment to special duty, his pay shall revert to his authorized rate in his regular position.
- 4.5(7) Pay on demotion** - An employee who is demoted shall have his or her rate of pay fixed by the Appointing Authority on any step within the pay range for the class of position to which he or she has been demoted, which does not exceed his or her last rate of pay in the pay range for the class of position from which demoted. The merit review date shall not change upon demotion.
- 4.5(8) Pay adjustments incident to pay grade reassignments**
a. In the event a class is assigned to a higher pay grade, all employees in positions in that class shall be adjusted to a corresponding step in the new pay range as they held in the old pay range. If an employee has not been adjusted previously, as provided in section 4.5(9)c., such adjustment shall be made prior to grade adjustment.
b. In the event a class is assigned to a lower pay grade, the employee's rate of pay shall be maintained at the former rate of pay by adjusting to a step in the new lower pay grade corresponding to the rate of pay in the old pay grade. Employees in that class whose rate of pay exceeds the maximum step in the new lower pay grade shall be "red-circled" or frozen at the former rate of pay in the old pay range.
- 4.5(9) Salary adjustments for probationary and permanent classified incumbents** - Notwithstanding eligibility time limitations provided elsewhere in this Chapter and provided the Comptroller certifies that funds are available:
a. Where the rate of pay of an incumbent is lower than the minimum of the pay range for his class, the Appointing Authority shall increase the rate of pay of the incumbent to the minimum step of the pay range for the class.
b. Where the rate of pay of an incumbent is higher than the maximum step of the pay range for a class, the pay may remain the same as long as the incumbent retains his present position, but no further increases or adjustments will be approved.
c. Where the rate of pay of an incumbent is between the minimum and maximum rates of the pay range for a class of position, but not coinciding with any intermediate step of such pay range, the Appointing Authority shall adjust the incumbent to the next higher step of the pay range for the class.
- 4.5(10) Pay upon reassignment** - An employee who is reassigned from a position in one class to a different position in the same class in the same agency shall not be eligible for a merit pay increase because of the reassignment nor shall such reassignment have any effect on his or her merit pay review date.
- 4.5(11) Pay upon transfer**
a. When a permanent classified employee is transferred from a position in one agency to a position in the same class in another agency or to another class having the same maximum rate of pay in another or the same agency, his or her rate of pay shall be no higher than the pay he or she was receiving prior to transfer, and his or her merit review date shall not be affected. Transfer from Schedule I classes to Schedule II classes, or the converse, shall be governed by the rules pertaining thereto.
b. When an employee is transferred from a position in one agency to a class of position having a higher or lower maximum rate of pay in another agency, the rate of pay shall be fixed by the rules governing promotions or demotions, whichever is applicable.
- 4.5(12) Pay upon reallocation of position** - When a position is reallocated the incumbents pay shall be fixed in accordance with these rules governing pay upon demotion or transfer, whichever is applicable. A promotional pay increase given an employee as a result of a reallocation shall not change the merit review date except in instances where a shorter number of months would be required for merit pay increase eligibility in the new range and subject to the certification of the State Comptroller of the availability of funds.
- 4.5(13) Pay for part-time employment** - Pay for part-time employment in a position shall be proportionate to the rate of pay for full-time employment.
- 4.5(14) Effective date of pay changes** - All pay changes shall be made effective on the first day of a pay period. Original appointments, reemployments, and reinstatements shall be effective on the first day the appointee reports for duty.

4.5(15) Pay for overlap in position - In cases where it is deemed necessary by the Appointing Authority to fill a position on an overlap basis pending the separation of an incumbent employee, an appointment of a new employee may be made in accordance with the rules for a period not to exceed one (1) month. Any overlap for a longer period must be approved by the Director.

4.5(16) Pay for certified instructional personnel - Employees of State Social Services Institutions who are employed in teaching positions for which teaching certificates, as issued by the Department of Public Instruction, are required shall be paid in accordance with Salary Schedule 1. The Appointing Authority shall file a copy of the local school district's pay plan no later than September 1st of each year. Individual rates of pay shall be established based upon the following factors: Length of school term; undergraduate, graduate and postgraduate course work satisfactorily completed; years of experience in the teaching profession; salaries paid to other classified employees who are employed in positions which require similar education and experience requirements and rates of pay including increment differentials for comparable levels of teaching positions in local school districts. Rates of pay established for institutional teachers on the first day of the normal contract year shall remain in effect until the beginning of the next contract year. Exceptions to this rule would involve either the attainment of additional education during the school term at preestablished levels which warrants an additional pay step in the range based upon local conditions and/or practices, or salary adjustments approved and implemented for all teachers by local school districts during the school term. Section 4.5(2) b of the personnel rules, "Merit pay increase eligibility", does not apply to the teacher's salary schedule.

4.6 Overtime - Overtime shall be payable in accordance with the Code of Iowa and Federal provisions of the Fair Labor Standards Act as applicable and authorized. It shall be the responsibility of the Appointing Authority to determine coverage and authority for payment by the State Comptroller. 4.6 Positions shall be categorized for purposes of determining eligibility for overtime as follows:

a. **Standard Workweek** - A standard workweek shall include positions which require forty (40) hours of work. A workweek is a fixed and regularly recurring period of one hundred sixty eight (168) hours - seven (7) consecutive twenty-four (24) hour periods. It need not coincide with calendar week but may begin on any day and at any hour of the day. A single workweek may be established for an agency or other unit as a whole or different workweeks may be established.

b. **Extended Workweek** - An extended workweek shall include positions which require more than forty (40) hours of work in seven (7) consecutive days on regular daily assignments or of eighty (80) hours of work in fourteen (14) consecutive days for shift assignments. Extended workweeks shall be approved by the Commission only after certification by the State Comptroller of the availability of funds. Extended workweeks may be established on increments of two (2) additional hours per week up to forty-eight (48) hours. The rate of pay for the position shall be increased one (1) step for each two hour increment above forty (40) hours per week. Upon reduction of the work week the pay of the incumbent employee shall be reduced accordingly, without right of appeal. The extended workweek shall not be applicable to positions within the classified service which are subject to the Fair Labor Standards Act.

c. **Reserved for future use.**

4.7 Pay Differential - The Commission may authorize a pay differential for a position within a class due to special duty requirements related to the position, but not to the class as a whole or for a class as a whole within an agency structure where such class is performing under duty requirements not normally required of the class in general state service. This differential shall be over and above the pay within the pay grade for the class of position and shall be paid only as long as the employee occupies the particular position or the class is used under the circumstances which have necessitated the differential. The request shall be submitted in writing and shall be subject to the approval of the State Comptroller that funds are available for such differential payment.

4.8 Reserved for future use.

4.9 Transfer from Pay Schedule I classes to Pay Schedule II classes OR from Pay Schedule II Classes to Pay Schedule I classes.

4.9(1) When an employee is transferred from a class in Schedule I to a class in Schedule II having the same maximum rate of pay:

a. If the employee's rate of pay is below the entrance step for the Schedule II class, the employee's pay shall be adjusted to the entrance rate and a new merit review date shall be established.

b. If the employee's rate of pay is equal to the entrance rate for the Schedule II class, the rate of pay shall not be adjusted and a new review date shall be established if the employee has served 18 months or less on step in the Schedule I class; otherwise the merit review date shall remain unchanged.

c. If the employee's rate of pay is above the entrance rate for the Schedule II class, the rate of pay shall not be adjusted and a new review date shall be established if the employee has served six months or less on step in the Schedule I class; otherwise the merit review date shall remain unchanged.

- 4.9(2) When an employee is transferred from a Schedule II class to a Schedule I class having the same maximum rate of pay, the rate of pay shall not be adjusted and a new merit review date shall be established. And, the time spent on step in Schedule II shall be credited for the time interval required in the Schedule I class.
- 4.9(3) If an employee is demoted from a Schedule I class to a Schedule II class and his or her rate of pay is below the entrance step of the Schedule II class, the rate of pay shall be adjusted to the entrance step of the Schedule II class and a new review date shall be established.
- 4.10 **Pay upon reemployment from a reduction in force layoff** - Any person who has been laid off because of a reduction in force and then is reemployed under the provisions of these rules shall have his or her salary set at the step in the current salary range for the class from which laid off that corresponds to the step on which she was paid upon layoff because of a reduction in force. In addition, accrued sick leave earned prior to the layoff shall be reinstated and eligibility for vacation entitlement and seniority shall date from the original date of entry into continuous state classified, less the period of the layoff. The merit review date shall be unchanged, but less the period of layoff.

CHAPTER 5 RECRUITMENT AND EXAMINATION

- 5.1 **Scheduling of open competitive and promotional examinations** - The Director shall from time to time conduct such open competitive examinations as necessary for the purpose of establishing and maintaining registers of eligibles and promotional registers. The examinations shall be of such character as to determine the relative qualifications, fitness and ability of the persons tested to perform the duties of the class for which a register is to be established.
- 5.2 **Announcement of Examinations**
- 5.2(1) **Open-competitive examinations** - Examinations for entrance to the classified service shall be conducted on an open-competitive basis. The Director shall give public notice of all entrance examinations at least fifteen (15) calendar days in advance of the closing date for receiving applications and shall make every reasonable effort to attract qualified persons to compete in the examinations. Notice of open-competitive examinations shall be published by posting throughout the state and copies sent to newspapers, radio stations, educational institutions, Iowa Employment Security offices, state agencies, professional and vocational societies and associations, public officials and such other organizations and individuals as the Commission may deem expedient.
- 5.2(2) **Promotional examinations** - Promotional examination announcements shall be posted on bulletin boards or in other conspicuous places of the department or agency concerned and necessary steps shall be taken to bring such announcements to the attention of eligible employees within the agency.
- 5.2(3) **Content of announcements** - Examination announcements shall specify the class title and salary range of the class for which the examination is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place and manner of making application; the closing date for receiving applications; and other pertinent information. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice.
- 5.3 **Eligibility to compete in examinations**
- 5.3(1) **Open-competitive examinations** - Competitive examinations for original appointment to a class of position in the classified service shall be open to all applicants who meet the minimum training and experience requirements, and the necessary special requirements, if any, prescribed in the class specification for the class.
- 5.3(2) **Promotional examinations** - Promotional examinations shall be open to all permanent and probationary classified employees who meet the requirements and the necessary special qualifications, if any, prescribed for the class.
- 5.4 **Application and admission** - An application for examination shall be made on a form prescribed by the Commission and shall constitute an integral part of the examination. Applications must be filed with the Department on or prior to the closing date specified in the announcement or postmarked before midnight on that date; except, the Director, in cases where sufficient cause is presented and approved, may order the acceptance of any application or information supplementary thereto received after the close of such period and prior to the administration of the first phase of the examination. For those classes of positions in which satisfactory evidence of frequent turnover or nearly constant employment activity may be presented, the Director may establish a procedure involving continuous receipt of applications and frequent examinations.

5.4(1) The application form shall require information as to education, training and experience of the applicant and such other information as the Commission may deem pertinent. The Director may require any applicant for any examination to submit documented proof of the possession of any license, certificate, degree or other evidence of eligibility or qualification claimed or required by state law, these rules or the specification and may refuse credit for such claimed or required qualification in the absence of such proof.

5.4(2) An applicant, currently enrolled in an educational institution, who does not meet the minimum education or training requirements may be admitted to examinations, provided he will meet the requirements within eight (8) months. The name of an applicant, so admitted, who attains qualifying shall have his name placed on the eligible list. His name may be certified subject to his completing the education or training requirements necessary for admission to the class, but he shall not be appointed until all requirements are met.

5.5 **Disqualification of applicants** - The director may refuse to examine an applicant, or after examination, may disqualify such applicant or remove his name from the eligible list or refuse to certify any eligible on a list or may consult with the Appointing Authority in taking steps to remove such person already appointed if:

5.5(1) It is found that he does not meet any one of the qualification requirements established for the class of positions for which the examination is being conducted.

5.5(2) He is so disabled as to render him unfit for the performance of the duties of the class of positions.

5.5(3) He has made a false statement of material fact in his application.

5.5(4) He has used or attempted to use political pressure or bribery to secure an advantage in the examination.

5.5(5) He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled.

5.5(6) He has failed to submit his application correctly or within the prescribed time limits.

5.5(7) He has taken part in the compilation, administration, or correction of the examination for which he is an applicant.

5.5(8) He has previously been dismissed from a position in the state service or private industry for cause or has resigned while charges for dismissal for cause were pending.

5.5(9) He has reached, or will within one year of the date of the examination reach, retirement age as prescribed by law.

5.5(10) He has been convicted of a felony or an indictable misdemeanor or he has a record of conduct which is unbecoming a state employee.

5.5(11) He is addicted to the use of narcotics and other self-induced stimulants which are illegally obtained and utilized.

5.5(12) He is known to use intoxicating beverages to excess.

A disqualified applicant or eligible shall promptly be notified in writing of such action at his last known address. A disqualified applicant or eligible may request review of the reason for his disqualification. Such request shall be in writing and upon receipt the Director shall give full consideration to the request, and notify the applicant or eligible in writing of the action taken thereon.

5.6 **Postponement or cancellation of examinations** - In the event a sufficient number of qualified applicants have not made application for any examination the Director may postpone the last filing date and the date of the examination and shall, in such cases, give written notice to the applicants and department heads concerned.

5.7 **Character of examinations** - Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications or attributes which in the judgment of the Director enter into the determination of the relative fitness of applicants.

5.7(1) **Assembled examinations** - Assembled examinations shall be conducted for those classes for which written tests are practical. Such examinations may include one or more of the following in addition to the written tests: skill demonstration tests, physical tests, oral interviews, and evaluations of training and experience. Where official certification, registration or licensing is accepted in lieu of basic skills testing, other factors which enter into the determination of the relative fitness of applicants may be included in the examination.

5.7(2) **Unassembled examinations** - For those classes of a craft nature or where peculiar and exceptional qualifications of a scientific or professional nature are required and competition through an assembled examination is impracticable, an unassembled examination may be held. Such examinations shall consist of an evaluation of a statement of training and experience and such other materials as the applicants may be required to submit as evidence of fitness for a position, and may or may not include oral interviews for evaluation of personal and technical

qualifications and evaluations of other factors which enter into the determination of the relative fitness of applicants.

5.7(3) **Types of examinations** - Examinations shall be announced as one or a combination of the following:

a. **Open-competitive** - Open-competitive examinations shall be open to all persons meeting the minimum training and experience and other requirements announced for admission to the examination.

b. **Promotional** - Promotional examinations shall be open only to employees in the classified service meeting the minimum education and experience and other requirements stipulated in the specification for the class concerned.

c. **Open continuous examinations** - When it is necessary to meet continued requirements for filling positions and a sufficient number of applicants for a class is unavailable, applicants for any examination may be tested continuously in such manner and at such times and places as the Director may provide. The closing date for any open continuous examination may be set at any time by the Director, but notice of the action shall be posted at least fifteen (15) days prior to the effective date of the action. Applicants making qualifying ratings shall be placed on eligible lists in order of their final ratings irrespective of the date on which the examination was taken.

5.7(4) **Simplified examination procedure** - For positions involving unskilled, semi-skilled, domestic, attendant or custodial work, where the character or conditions of employment make it impracticable to supply the needs of the service through procedures prescribed above, the Director may adopt or authorize the use of such other procedures as he determines to be appropriate which will assure the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms and techniques as the Director may require.

5.8

Development and administration of examinations

5.8(1) **Examination development** - The Director shall develop examinations for the various classes of positions in the classified service. The Director may also contract for test services or purchase test material, and may use qualified technical consultants in developing tests. Final test material shall be known only to the Director and to authorized employees of the department. Every precaution shall be exercised by all persons participating in the development of tests to maintain the highest integrity in the examination process.

a. **Special test sections** - The Director may provide for special test sections or options within an examination for a single class when appropriate, to provide for special assignments to positions within a class. For a group of classes with common requirements, the director may provide one basic test with any appropriate additional options which may be necessary to test special requirements of any class in the group. These test sections may be used in combination with ratings on other portions of the test to provide the basis for selective certification of specially qualified persons.

b. **Oral examinations** - The Director shall develop the forms, procedure and instructions for conducting oral examinations.

c. **Ratings of training and experience** - The Director shall develop a procedure for the evaluation of the training and experience qualifications for the various classes of positions when applicable. The procedure shall give primary consideration to the quality, recency, and pertinency of training and experience and secondary consideration to the quantity.

5.8(2) **Examination administration** - Examinations shall be conducted in as many places as are necessary for reasonable convenience of applicants within practicable limits for proper administration and control. The Director shall appoint monitors necessary to conduct examinations, and provide them with instructions. The director shall arrange for use of public or other buildings suitable for the conduct of examinations.

a. **Number to be admitted to examination** - The Director may announce, in advance of the establishment of an eligible list, the maximum number of applicants who shall have their names placed on the list, or who shall be permitted to compete in any of the separate parts of the examination. Under such procedure those considered as having passed or as being permitted to take the remainder of the examination shall be the set number of candidates rating highest in the examination or a part thereof.

b. **Anonymity of applicants** - The identity of persons taking written examinations shall not be disclosed to examiners except for open-continuous where conditions of anonymity are impractical. An identification number shall be used to identify examination papers of applicants when practicable. In such cases, if any examination paper bears the name of the applicant or identification other than an identification number, the applicant shall be disqualified. In case of disqualification, the applicant shall be promptly notified in writing.

c. **Oral examination** - When an oral examination constitutes all or a part of the total examination, the director shall appoint one or more oral examination boards as needed. An oral examination board shall consist of two or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel,

one of whom shall be technically familiar with the character of work in the position for which the applicants will be examined. Any person holding political office or any officer or committee member of any political organization, or, any person actively engaged in the work of any political organization, shall not serve as a member of an oral examination board. If practicable, all applicants qualifying for the oral examination for the same class shall be rated by the same oral examination board. A member of an oral examination board shall disclose each instance in which he knows the applicant personally.

d. **Examination of the handicapped** - Persons under such disability as not to make them ineligible by reason thereof, shall be examined in such manner as will fairly test their ability to perform the duties of the position, notwithstanding such disability.

e. **Special examinations** - Except in the case of a manifest error in the admission or examining of an applicant, no applicant shall be given a special examination unless the Commission by formal recorded action finds that the applicant's failure to take or complete an examination was due to circumstances entirely beyond the control of the applicant. The Commission's findings and recommendations shall be recorded in its minutes. No claim for a special examination shall be allowed unless it is filed in writing with the Director within fifteen (15) days after the date of the original examination. Any special examination shall be constructed on a pattern similar to, and as extensive as, the original examination. Any such special examination shall not invalidate any certification or appointment previously made.

f. **Retaking examinations** - Applicants may retake an examination for classes which are announced. In such examination program, no person may be scheduled nor tested at less than thirty (30) calendar days following his initial examination in the class of position, and subsequently at sixty (60) calendar days and then at ninety (90) calendar day intervals thereafter. The same provisions shall apply to promotional examinations. Procedures adopted for retesting must be administered uniformly to all applicants. In all cases, the most recent passing score will be used to determine the candidate's standing on the eligible list. Any applicant who fails the performance part of any examination may repeat that part of the examination, if scheduled, after the lapse of seven (7) calendar days. If the applicant fails to pass the performance portion of the examination the second time, he shall be prohibited thereafter from repeating that part of the examination in less than thirty (30) day intervals.

g. **Removing examination material from premises** - Any applicant or unauthorized employee of the State removing examination materials from the premises at which examinations are being administered or stored, in any manner whatsoever, shall be subject to prosecution under section 19A.19 of the Merit Employment Act.

5.9 **Rating examinations** - The Director shall utilize appropriate scientific techniques and procedures in rating the results of examinations and in determining the final scores of the applicant. In determining the system for rating results of the examinations, the Director shall give due regard to the number of applicants and to the number of vacancies which may reasonably be expected to occur in the life of the eligible list. All applicants for the same class of positions shall be accorded uniform and equal treatment in all phases of the examination rating process.

5.9(1) **Setting minimum ratings** - In all examinations the minimum ratings by which eligibility may be achieved shall be set by the Director. Such minimum ratings may also apply to the rating on any parts of the tests and applicants may be required to obtain minimum ratings on separate parts in order to receive qualifying ratings or to be rated on the remaining parts of the test.

5.9(2) **Computing final ratings** - The final earned rating of each applicant shall be determined by computing the earned ratings on each part of the examination in accordance with the weights established for each part of the examination. All applicants may be required to obtain at least a minimum rating in each or any part of the examination in order to receive a final qualifying rating or to be allowed to participate in the remaining parts of the examination.

5.9(3) **Rating for lower class** - The results of examination of applicants who fail to qualify as eligibles for the class for which the examinations were taken, may, with the approval of the Director, be rated with reference to their eligibility for a lower class for which an examination is in process, if the applicants have signified their willingness to accept appointments to positions in such lower class. Eligibles for a given class may be certified to a lower position in the same class if they signify their willingness to accept an appointment to a position in the lower class.

5.9(4) **Preference for veterans on entrance examinations** - Veterans preference as provided by law shall be added to qualifying ratings on open competitive examinations. Proof of eligibility for preference shall be provided by the veteran in the form of a discharge paper, official order of separation from active duty, or a certified or photostatic copy, or other satisfactory evidence of honorable service. In addition, disabled veterans shall submit proof of current disability certified by the United States Veterans Administration.

5.9(5) **Verifying information** - The Director may verify statements contained in an application and secure further information concerning the applicant's character and fitness. If, after a list is established, information is obtained which materially affects the rating of experience, training, or fitness of the applicant, the Director shall make a new rating of the applicant's examination and

make necessary adjustments in eligible lists. The Director shall promptly notify the applicant of any change made in his standing and the reasons thereof.

5.9(6) **Adjustment of errors** - A manifest error in the rating of an examination, if called to the attention of the Director within one (1) month after receipt by the applicant of the notice of examination results, shall be corrected by the Director provided, however, that such correction shall not invalidate any certification and appointment previously made.

5.10 **Reserved for future use.**

5.11 **Notice of examination results** - Each applicant shall be notified by mail of the results of the examination as soon as the rating of the examination has been completed and the eligible list established.

5.12 **Review of ratings** - Any applicant may request the Director to review the rating of his examination, provided such request is filed within fifteen (15) days of the date of the notice of examination results was mailed. Review of examination ratings shall be limited to the applicant and the Appointing Authority to whom the eligible has been certified for appointment. Such review shall be provided only during regular business hours in the offices of the department. Any person who reviews an examination that has been taken may not participate in another examination in the same series or with similar examination content until ninety (90) calendar days have elapsed after such review.

CHAPTER 6 ELIGIBLE LISTS

6.1 **Establishment of eligible lists** - The Director shall establish and maintain eligible lists necessary to provide an adequate supply of qualified candidates for all classified positions. Eligible lists shall be by class of position and shall be statewide in application except where provision for the establishment of eligible lists by geographical area, organizational unit or special entitlement. The following types of eligible lists shall be used to meet the needs of the classified service:

6.1(1) **Preferred employment lists** - The names of permanent classified employees separated from the classified service in good standing by layoff, or by demotion in lieu of layoff, shall be placed on the preferred employment lists established for the agency or the unit thereof enforcing the layoff and shall be given absolute preference in selection as provided in these rules for reduction in force. Such list shall have a life of one year from the date of layoff or establishment of the list, whichever is later.

6.1(2) **Agency promotional lists** - Shall show the names of all permanent classified employees of an agency or organizational unit thereof who have attained a qualifying rating on the promotional examination.

6.1(3) **Open competitive lists** - Shall show names of all candidates who attain a qualifying rating on an open competitive examination.

6.1(4) **Agency promotional and open competitive lists** - Shall be deemed continuous in nature, unless abolished as provided herein, but eligibility of an applicant on lists shall be not less than one (1) nor more than three years as determined by the Director and uniformly applied.

6.2 **Reserved for future use.**

6.3 **Ranking of eligibles** - After each examination, the Director shall prepare a list of persons with passing grades. The names of such persons shall be placed on the eligible lists in the order of their final rating, starting with the highest. If two or more eligibles have final ratings which are identical, their names shall be arranged on the eligible list in the order of their final rating on the written part of the examination. If this results in a tie, they shall be certified concurrently. Eligible lists resulting from a continuous examination program shall be merged prior to use by ranking the names of all successful candidates in order of their final qualifying scores.

6.4 **Compilation of eligible lists in absence of appropriate eligible lists** - If a vacancy exists in a class of position for which there is no appropriate eligible list, and an announcement has been made and opportunity given for applicants to take the examination, the Director, with the approval of the Commission, may prepare an appropriate register for the class from one or more existing related eligible lists. For this purpose, the Director shall select the eligible lists from classes for which the minimum qualifications and examinations are similar to or higher than those required for the class in which the vacancy exists. The Director may, if necessary re-rate training and experience in accordance with the rules on examination on the basis of the minimum qualifications required for the class in which the vacancy exists.

6.5 **Consolidation and amendment of lists** - When a new eligible list is established for a class of

positions for which an eligible list is already in existence, the existing eligible list may be cancelled or merged with the new eligible list at the discretion of Commission. If the name of any individual appears on both the old and the new eligible lists, and the eligible lists are merged, his standing on the new eligible list shall be determined by his score on the more recent examination. An eligible list may be amended by the addition of other successful candidates who are admitted to subsequent examinations and the scores of the individual names that appear on the amendment shall be merged in rank order with the scores of those on the original eligible list.

6.6 Removal of names from eligible lists - In addition to the causes set forth in the chapter on examinations, the Director may remove names from eligible lists permanently or temporarily for any of the following reasons:

- 6.6(1) On the receipt of a statement from the eligible that he no longer desires consideration for a position in the class.
- 6.6(2) Appointment through certification from such eligible list to fill a permanent position.
- 6.6(3) Appointment to fill a permanent position at the same or higher salary from a different register, provided that any person whose name is removed may have his name restored to any eligible list other than the one from which appointment was made by making written application for such action to the Director.
- 6.6(4) Declination of appointment without good cause or under conditions which the eligible previously indicated he would accept.
- 6.6(5) Failure to appear for scheduled employment interview or to report for duty within a reasonable time specified by the Appointing Authority.
- 6.6(6) Failure to maintain a record of his current address with the Department as evidenced by the return of a properly addressed unclaimed letter or other evidence.
- 6.6(7) In case of agency promotional lists, separation from the classified service or from the departmental or organizational unit for which the list is established.
- 6.6(8) In case of exhaustion or abolition of eligible lists or expiration of eligible lists, the Director shall notify the eligible by mail at his last known address of this action and the reason therefore.
- 6.6(9) Willful violation of any of the provisions of the Act or the rules promulgated thereunder.

6.7 Restoration of names to eligible list - An eligible whose name is removed from an eligible list may make written request to the Director for the restoration of his name to such eligible list for the duration of the eligible list, stating the reasons for his conduct resulting in removal and reasons for restoration. The Director, after full consideration of the request, may restore the name to the eligible list or may refuse such request. The eligible shall be notified of the Director's action and may make written appeal to the Commission to review the Director's action.

A probationary or permanent employee who has resigned while in good standing or who has been separated without prejudice, shall, upon written request, have his name restored to the eligible list from which his most recent appointment was made, but such eligibility shall not exceed original entitlement of not less than one (1) nor more than three (3) years as determined by the original eligible list.

6.8 Statement of availability - It shall be the responsibility of eligibles to notify the Department in writing of any change in address or other change affecting availability for employment. However, the Director may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he will be available or the locations where he will accept employment, his name shall be withheld from all certifications which do not meet the stated conditions and locations under which he will be available. An eligible may file a new written statement at any time during the duration of an eligible list modifying any prior statement as to conditions under which he will be available for employment, except that if such statement results in the withdrawal of his name from a certification outstanding at the time of the receipt of the statement, it may be deemed a declination of appointment.

CHAPTER 7 CERTIFICATION AND SELECTION

7.1 Method of filling positions - Vacancies in the classified service shall be filled by reemployment, promotion, transfer, demotion, reinstatement or original appointment as provided by these rules.

7.2 Request for certification - If a vacancy occurs in any classified position in an agency, or if new positions are established and new employees are needed, a requisition shall be submitted, as far in advance of the desired appointment date as possible by the agency to the Director upon a form prescribed by the Commission. This requisition shall state the number of positions to be filled in each class, identifying the location of each position and all other pertinent information.

- 7.3 **Certification methods** - Upon receipt of a requisition, the Director shall certify and submit in writing to the Appointing Authority the names of available persons.
- 7.3(1) **Agency preferred list** - The number of names certified for a class shall be equal to the number of vacancies. Selection shall be made from this list until the list is exhausted before certification may be made from an agency promotional or open competitive list.
- 7.3(2) **Open competitive list** - If one position is involved the highest ten percent available from the appropriate statewide eligible list established or the highest five, if there are less than fifty on the appropriate statewide eligible list, will be submitted. In filling vacancies, the Appointing Authority shall select any one of the highest ten percent or highest five available whose names have been certified for each agency. Two names shall be added for each additional vacancy.
- 7.3(3) **Agency promotional list** - The number of names certified for one position shall be five, with two additional names for each additional vacancy, or highest ten percent from the appropriate promotional eligible list if the number on the appropriate promotional eligible list exceeds fifty. Appointments shall be made in the same manner as prescribed from open competitive lists.
- 7.3(4) **Concurrent certifications** - Groups of eligibles shall be certified to clerical vacancies in order of receipt of requisitions for employees, with due regard for the rights of eligibles standing highest on the list provided, however, this section shall not require simultaneous certification of the same name on different certifications made concurrently to the same class of position.
- 7.3(5) **Temporary appointment certification** - If an employee is needed for a temporary period by an agency, not to exceed 180 calendar days in any twelve month period, a certification shall be made of the names of those eligibles, in the order of their place on an appropriate eligible list, who have indicated willingness to accept temporary appointment in accordance with 7.3(2).
- 7.3(6) **Incomplete certification** - When the number of names available for filling a vacancy in a class of position is fewer than five, the Appointing Authority may decline certification for that vacancy and make a provisional appointment to fill such position for a period not to exceed 180 calendar days as provided in the rules.
- 7.3(7) **Certification for positions filled by provisional appointees** - The Director shall issue, on a regular basis, a certificate of eligibles to fill positions occupied by provisional appointees whenever five names are available for certification for that class of position.
- 7.3(8) **Selective Certification** -
- a. **Special qualifications** - Where certification of eligibles with special education or training is requested in writing by the appointing authority, and such specific and technical requirements are part of the specifications, and these special experience or training options are so announced, the Director will certify only the highest ranking eligibles, as provided under open competitive lists, who possess the special qualifications prescribed. Certification as to physical qualifications shall be observed as long as they are uniform as to the class of position and are contained in the specifications or are approved by the Commission for special and uniform application.
 - b. **Desirable qualifications** - An Appointing Authority may request, in writing, the certification of those eligibles meeting the desirable training and experience requirements stipulated in the specification, if any, giving the reason for such request. If approved by the Director, only the names of those eligibles on the list who meet the desirable training and experience qualifications shall be certified in the order of their standing on the list. If, in certifying the names of such eligibles, the Director finds there are fewer than five such eligibles, he shall complete the certification by adding after the names of such eligibles, the names of other eligibles available for appointment in the order of their standing on the list.
- 7.3(9) **Geographic certification** - Eligibles for positions in local offices, geographic or administrative areas of the agency shall be certified in the same manner as for State Offices (open-competitive), except that in filling such a position in a local office, geographic or administrative area of the agency, the Appointing Authority may request the certification of eligibles who are residents of the area established for such local office, geographic or administrative area. Certification shall be made as provided in 7.3(2). If, in certifying and submitting the names of such eligibles for a vacancy in a local office, geographic or administrative area, the Director finds there are fewer than five eligibles who are residents thereof, he shall certify the required number of additional eligibles from a statewide register.
- 7.4 **Life of certificate of eligibles** - The life of a certificate of eligibles shall be three weeks from the date of issue unless extended by the Director for a period not to exceed one week. Any appointment made from a certificate shall not be affected by any change in the condition of the list during the life of the certificate. In the event appointment is not reported within one month of the date of issue, the certificate shall expire and appointment reported thereafter shall be voided.
- 7.5 **Waiver of certification after appointment** - If an eligible receives a probationary or permanent appointment, such appointment shall constitute, for its duration, a waiver of his rights to certification from any register for the same or lower class of position on which his name appears.
- 7.6 **Omission of names after three considerations** - If, in the exercise of his choice, the Appointing Authority passes over the name of an eligible on a register in connection with three separate appointments he has made from the eligible lists for that class of position, the name of such eligible shall thereafter not be certified to him from that eligible list for future vacancies in that class if such

Appointing Authority requests in writing that the eligible not be certified on future certificates. The eligible shall be so notified.

7.7 **Failure to reply** - An eligible may be considered not available by the Director if he or she fails to reply to written inquiry of the Director or Appointing Authority as to availability within five working days of written inquiry or within three workings of telegraphed or telephoned inquiry.

7.8 **Certification from related lists** - Whenever the number of names on an eligible list is insufficient to make a complete certification, the Director may certify names of eligibles willing to accept employment from lists for classes of higher standing or from lists for other comparable classes, if he determines the qualifications and appropriate examinations for those classes are comparable to the class for which the certificate is being issued.

CHAPTER 8 APPOINTMENTS

8.1 **Appointments** - All vacancies in part-time or full-time classified positions shall be filled as provided by the Merit Act and these rules. No appointment to a classified position, other than an emergency appointment, shall be made without prior authorization of the Director. All appointments shall be made at the minimum salary for the class of position, unless otherwise provided in these rules. No appointment shall be made to any classified position or shall the position otherwise be encumbered until the position has been classified in accordance with the Merit Act and these rules and the Comptroller has certified as to the availability of funds.

8.2 **Probationary Appointment** - Probationary selections shall be made for each classified position in accordance with the Chapter on certification and selection. Appointments shall be made only to positions authorized and established on a permanent basis, subject to the successful completion of a six months probationary period. Probationary appointment shall not confer upon the appointee any privilege or right of promotion, transfer, reemployment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal.

8.3 **Reserved for future use.**

8.4 **Provisional Appointment** - If there are fewer than five(5) persons available for employment from an eligible list for a class of position or an appropriate eligible list the Appointing Authority may submit the name or names of persons to fill the position or positions pending examination and the establishment of an adequate eligible list. If such person(s) meet(s) the qualifications as to training and experience for the class of position, such person or persons may be provisionally appointed to fill the existing vacancy or vacancies until an adequate eligible list is established and appointments made therefrom. No provisional appointment shall be continued for more than thirty (30) calendar days after an adequate eligible list has been established nor for more than one hundred eighty(180) calendar days from the date of appointment. Successive provisional appointments shall not be allowed. No provisional appointment shall confer on the incumbent any privilege, right of appeal or right of position, transfer, demotion, promotion or reinstatement to any classified position, nor shall a provisional employee be entitled to vacation or sick leave under these rules.

8.5 **Intermittent Appointment** - If the work of an agency requires the service of a person or persons on an intermittent or irregular basis, the Appointing Authority shall select such person or persons who have signified their willingness to accept intermittent appointment in accordance with the Chapter on certification and selection. Such intermittent appointment shall not exceed one hundred and eighty (180) calendar days or 1040 hours in any twelve (12) month period. Appointees may be placed on leave without pay at the end of the appointment and may be returned to duty the following year in the same class without further certification at the agency's determination. All periods of active service shall be reported to the Commission. A period of intermittent service shall not constitute a part of the probationary period except where such service immediately precedes probationary appointment to the same class within the agency. The acceptance or refusal of intermittent appointment shall not affect an eligible's standing on an eligible list or his eligibility for a probationary appointment. No intermittent appointment shall confer upon the incumbent any privilege, right of appeal or right of position, transfer, demotion, promotion or any other right to any classified position, nor to annual or sick leave under these rules.

8.6 **Career Development Appointment** - When a position within a class cannot be filled because of the lack of qualified eligibles or applicants meeting the minimum qualifications for the class, the Director may authorize the Appointing Authority to make a career development appointment to a person meeting the minimum education requirements, but who lacks the experience necessary to qualify. Career development appointments shall be limited to one (1) year; appointees must meet the minimum experience requirements upon expiration of the appointment; and, appointees must have passed the appropriate examination provided before appointment. Appointment does not confer on

the appointee any privilege or right of promotion, transfer, re-employment, reinstatement or demotion to any position in the classified service, nor does it confer any right of appeal upon termination of the appointment. Vacation and sick leave shall be in accordance with probationary appointment.

8.7 Reinstatement to Previous Class of Position - A permanent classified employee, who has resigned while in good standing or who has been separated for other than good cause as outlined in these rules and the Merit Act, shall be eligible for reinstatement to his former class of position or to a lower class of position within a period of time equivalent to his period of continuous classified service, not to exceed two (2) years from the date of separation - provided, he has been certified by the Director as meeting the current minimum qualifications as to training, experience, knowledge, skills and education for the class of position to which he is reinstated.

8.8 Emergency Appointment - When an emergency exists in order to preserve the public peace, health or safety or to prevent the stoppage of public business, requiring the immediate services of one or more persons, the Appointing Authority may appoint a person or persons to a class of position without regard to other provisions governing appointments. In no case, however, shall the same person be appointed under this provision for more than a total of sixty (60) calendar days with any or all State agencies during any twelve (12) month period. Employment for any part of a day shall be considered as a full day. No emergency appointment shall confer on the appointee any privilege, right of appeal or right of position, transfer, promotion, demotion, reinstatement or any other right to any classified position, nor shall an emergency employee be entitled to vacation or sick leave under these rules.

8.9 Work Test Appointment - In accordance with 5.7(4) of these rules, the Appointing Authority, who has under his jurisdiction positions involving unskilled or semi-skilled domestic, attendant or custodial work, as so designated by the Commission, may appoint persons to such positions on the basis of a competitive working test performance for the length of the probationary period in accordance with these rules and shall acquire permanent status and be subject to the same rules as other classified probationary employees.

8.10 Reserved for future use.

8.11 Cooperative Training Appointment - Upon request, the Director may authorize the Appointing Authority to make cooperative training appointments to one or more permanent positions. Appointees must be certified to be bona fide students in an accredited educational institution, pursuing a study program directly related to the work of the position and have successfully completed one year of the study program for which he is enrolled. Two cooperative training appointments may be made to each authorized position and the appointee(s) shall work a period not to exceed a combined total of eight hours a day. No appointee shall be employed more than three semesters, or the equivalent, in any two year period. No cooperative training appointment shall confer on the incumbent any privilege, right of appeal or right of position, transfer, promotion, demotion or reinstatement, nor shall a cooperative training employee be entitled to vacation or sick leave under these rules.

8.12 Trainee Appointment - When there is a need for services which can be performed by trainees, the Director may authorize the Appointing Authority to make a trainee appointment of a person who does not meet the minimum education or experience requirements as follows:

8.12(1) Appointments for half-time or less - May be made to bona fide students who are currently enrolled in a course of study which will qualify them for the position to which appointed within one year and who have been certified by the educational institution as to status and course of study. Appointments shall be made only to permanent or temporary positions and not to exceed one hundred and eighty (180) calendar days or the equivalent in part-time employment.

8.12(2) Appointments exceeding half-time - May be made to trainees pursuing a course of study at an educational institution or state agency which will qualify them for appointment to the position to which appointed. Training programs sponsored by state agencies must receive commission approval prior to implementing specific training projects. Such appointments shall be made only to authorized and established permanent or temporary positions and shall not exceed one hundred and eighty (180) calendar days in any twelve month period. Appointees must be at least fourteen years old and possess working permits if required by law.

8.12(3) No trainee appointment shall confer on the incumbent any privilege, right of appeal or right of position, transfer, promotion, demotion or reinstatement, nor shall a trainee employee be entitled to vacation or sick leave under these rules.

8.13 Reserved For Future Use.

CHAPTER 9 PROBATIONARY PERIOD

- 9.1 **Nature, duration and purpose** - All original appointments to permanent positions shall be made from officially promulgated eligible lists, except as otherwise provided in these rules, for a probationary period of six (6) months. Any statutory probationary period for a position or class in excess of that herein provided shall be followed. The probationary period shall be an essential part of the examination process, and shall be utilized for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standards of work.
- 9.2 **Termination during probationary period** - At any time during the probationary period, a probationary employee may be terminated by the Appointing Authority from the classified service without right of appeal or hearing.
- 9.3 **Demotion during probationary period** - At any time during the probationary period, a probationary employee may be demoted by the Appointing Authority to a lower class of position, provided such demotion does not result in the separation of any other employee with longer service. The probationary period of a probationary employee demoted to a lower class of position shall include the period of service in the class from which he was demoted. Demotion during the original probationary period shall not give the right of appeal or hearing.
- 9.4 **Promotion to higher class of position during probationary period** - A probationary employee shall not be eligible for promotion to a higher class of position during this probationary period, *except where*
- a. *There are no eligibles on the promotional eligible list for the higher class and reasonable effort has been made to establish an eligible list for the higher class.*
 - b. *The probationary employee can be certified in accordance with section 7.3(2) of these rules.*
- Such promoted probationary employee shall be allowed to count probationary time spent in the lower class toward the total required probationary period and pay shall be in accordance with section 4.5(4).*
- 9.5 **Transfer during probationary period** - A probationary employee shall not be transferred during his or her probationary period to a position in another class or interagency in the same class of position. Nor shall a probationary employee certified to a vacancy in a local office, geographic, or administrative area, in accordance with the provisions of these rules as to certification and selection, or otherwise, be transferred from the local office, geographic or administrative area.
- 9.6 **Leave of absence during probationary period** - A probationary employee may be granted leave of absence with or without pay at the Appointing Authority's discretion and such probationary period shall be extended by the amount of leave granted, provided such probationary employee has been at a paid status for at least 30 days or as provided by the Commission or provided in the Code of Iowa.
- 9.7 **Vacation and sick leave during probationary period** - Probationary employees shall be granted vacation and sick leave in accordance with the provisions of these rules as with permanent classified employees.
- 9.8 **Probationary period for promoted permanent classified employees** - When a permanent employee is promoted under the provisions of the rules as to promotion, the Appointing Authority may at its discretion require such employee to serve a probationary period in the new class of position to which he or she has been promoted. This probationary period shall be for a maximum of three (3) months or for such shorter period as determined by the Appointing Authority. The permanent classified employee so promoted shall be informed, in writing with a copy to the Commission, at the time of the promotion of the determination of the Appointing Authority to require that a probationary period and the length of such period to be served before such promotion shall become final. If such employee does not prove to be satisfactory in the new class of position during such probationary period, he or she shall be reinstated to his or her former position or in a similar position thereto at a salary not lower than that received by him or her in such former position at the time of his or her promotion. Such action shall not entitle the individual to an appeal or hearing before the Merit Employment Commission, but the reasons for failure to certify him or her for permanent appointment to the promotional position shall be submitted in writing to the individual and a copy placed in the employee's file at the department office.
- 9.9 **Reserved for future use.**

9.10 **Provisional service credit** - Provisional service immediately prior to probationary appointment in the same class of position may be credited toward the probationary period at the discretion of the Appointing Authority. The decision not to allow provisional service credit toward the probationary period must be reported, in writing, to the Director within five working days of the eligible's entrance on duty as a probationary employee.

9.11 **Completion of probationary period** - Within ten (10) calendar days prior to expiration of the employee's probationary period, the Appointing Authority shall notify the Director, in writing with a copy to the employee, whether the employee is satisfactory or unsatisfactory. If unsatisfactory, the employee shall be separated at date specified or at the end of the probationary period. A satisfactory report will give permanent classified status in the class of position. The Appointing Authority's determination shall be conclusive and final.

CHAPTER 10 PROMOTIONS, REASSIGNMENTS, TRANSFERS, AND VOLUNTARY DEMOTIONS

10.1 Promotions

10.1(1) **Selection** - As far as practicable and feasible, vacancies shall be filled by promotion of qualified, permanent, classified employees based upon individual performance, as evidenced by recorded service records, personal observation, examination results and due consideration for length of service and capacity for the new position.

10.1(2) **Certification as to qualifications** - A candidate for promotion must be certified by the Director to possess the qualifications for the position as set forth in the current job specification for the class of position for which he is a candidate and he shall be required by the Director to qualify for the new position by promotional competitive or non-competitive examination. Promotional examinations shall be of the same nature and content as those used in establishing open competitive eligible lists. Passing grade attainment shall be the same as with open competitive examinations.

10.1(3) **Establishment of promotional eligible lists** - Each permanent classified employee who receives a passing grade on a competitive promotional examination shall be placed on a promotional register for the class of position in the order of his examination rating. The life of a promotional eligible list shall be the same as that for an open competitive eligible list for the same class of position.

10.1(4) **Promotion by competitive examination** - Openings shall be announced and posted by the agency and may be limited to permanent classified employees of the agency concerned or may, with the approval of the agency, be opened to permanent classified employees of all agencies. Certification and selection shall be in accordance with the rules contained in Chapter 7.

10.1(5) **Promotion by non-competitive examination** - The Appointing Authority may fill a vacancy or vacancies in a particular class of position by non-competitive promotional examination, provided written justification is approved by the Commission. A permanent classified employee proposed for non-competitive promotion shall be examined by the Director in accordance with 10.1(2), and if found to qualify for the class shall be so certified by the Director.

10.2 **Reassignments** - An Appointing Authority may, at any time, reassign an employee from one position to another position in the same class except:

10.2(1) A probationary employee certified on a geographic or administrative area basis may not be reassigned outside the certification area until the probationary period has been completed.

10.2(2) A probationary employee certified to fill a vacancy on the basis of specific requirements of particular experience, education, skill or physical characteristics shall not be reassigned from that position until the probationary period has been completed.

10.3 **Detail to special duty** - When the services of a permanent classified employee are temporarily needed in a position with the agency, other than the position to which he or she is allocated and assigned, he or she may be detailed, at the discretion of the Appointing Authority, to perform the duties of such position for a period not to exceed three months without change in title or status. A written statement outlining the reasons for the detail shall be submitted to and approved by the Commission before such detail may be made. In unusual circumstances, an extension of a detail beyond the three months may be authorized by the Commission, upon the written request of the Appointing Authority.

10.4 Transfers

10.4(1) **Intra-agency transfers** - The Appointing Authority may transfer a permanent classified employee from a position in one class to a position in another class in the same pay grade, provided

the Director certifies the permanent classified employee possesses the minimum qualifications and has passed an appropriate examination for the new class.

10.4(2) Inter-agency transfers - A permanent classified employee may be transferred from a position in one agency to a position in the same or different class in the same pay grade in another agency, providing both Appointing Authorities have approved the transfer and the Director certifies the employee meets the minimum qualifications for the class and has passed an appropriate examination.

10.4(3) Transfer to a higher class of position - Any transfer of a permanent classified employee from a position in a lower to a position in a higher class shall be made in accordance with the rules governing promotions.

10.4(4) Transfer to a lower class of position - Any transfer of a permanent classified employee from a position in a higher to a position in a lower class shall be made in accordance with the rules governing demotions.

10.5 Voluntary demotion - If, for personal or other reasons, a permanent classified employee wishes to be demoted to a position in a lower class, the Appointing Authority may, upon written request of the employee, make such demotion. However, no such demotion shall be made unless the employee to this lower class is certified by the Director as being eligible for appointment. Voluntary demotion shall not be subject to appeal to the Commission.

10.6 Effective Date of Actions - All promotions, reassignments, transfers and voluntary demotions shall be made effective at the beginning of a pay period.

CHAPTER 11 SEPARATION AND DISCIPLINARY ACTIONS

11.1 Separations

11.1(1) Resignation - To resign in good standing, an employee must give the Appointing Authority at least fourteen calendar days prior notice unless the Appointing Authority agrees to permit a shorter period of notice. A written resignation shall be supplied by the employee to the Appointing Authority. An employee who fails to give proper notice, may at the request of the Appointing Authority, be barred from future certification to that agency or reinstatement to the register from which certification was made.

11.1(2) Termination Upon Expiration of Appointment - Upon the expiration of an original appointment of specified duration, the Appointing Authority shall report such action to the Director upon the forms prescribed by the Commission.

11.1(3) Reduction in force - layoff - An Appointing Authority may lay off an employee whenever he deems it necessary because of shortage of funds or work, a material change in duties or organization or abolishment of one or more positions. Such reduction in force shall be by agency formula, as approved by the Commission. Separation by reduction in force shall be accomplished in a systematic manner, with equity for the rights of employees and shall not be allowed as a subterfuge to abrogate an employee's right of appeal if the reduction in force separation is in fact a discharge. The agency formula shall conform to the following provisions:

a. Reduction in force shall be by class of position.

b. Reduction in force may be by organizational unit of an agency or agency wide, as designated by the Appointing Authority, provided such designation is made and approved by the Commission before the effective date of the reduction.

c. The order of reduction in force shall be by type of appointment as follows: emergency, provisional, intermittent, temporary, career development, probationary, permanent.

d. Each employee affected by a reduction in force shall be notified in writing of layoff and reasons therefor, at least ten (10) days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

e. There shall be adequate competition among all employees in the class of position or positions affected by the layoff by reasons of a reduction in force based on a retention points system which shall be made up of a combination of points for length of service and performance evaluation of all employees in the class of position or positions in the organizational unit or units affected. Length of service and performance evaluation points shall be calculated as follows:

(1) Length of service credit shall be allowed at a rate of one (1) point for each month of service. For the purpose of computing length of service credits, the Appointing Authority shall include all continuous periods of employment between the date of original appointment and the date of layoff. Approved leaves of absence without pay, suspensions without pay and layoffs for periods exceeding fourteen (14) consecutive days shall not be counted; however, the periods of service immediately preceding and that immediately following such leaves of absence and layoffs shall be counted. An employee who is returned to duty following approved military duty shall have all periods

of military service counted as continuous service. Breaks in service, where the employee is off of the payroll of an agency for more than fourteen (14) days shall be considered as a new employment. Part-time employment shall receive pro rata service credit.

(2) Performance evaluation credit shall be allowed at a rate of one (1) point for each month of service rated as satisfactory under a performance evaluation plan approved by the Commission. An additional one-half (1/2) point shall be added for each month of service during which performance is rated one or more levels above satisfactory. No credit shall be allowed for service rated less than satisfactory. No performance evaluations which are made less than three (3) months prior to a reduction in force shall be used in determining performance evaluation credits. In the absence of performance evaluations made under an approved plan, all employees in the class or classes affected shall be considered to be of equal efficiency and one (1) performance evaluation point (satisfactory) shall be given for each month of continuous service.

(3) Reduction in force retention points shall be the total of the length of service credit points and the performance evaluation credit points.

f. Employees shall be placed on the layoff list beginning with the employee with the highest number of retention points. Employee layoffs shall be made from the layoff list in inverse order. Copies of the computation of the length of service credits and performance evaluation credits shall be furnished to the employees and to the Commission.

g. When two (2) or more employees have the same combined total of retention points from length of service credits and performance evaluation credits, order of termination shall be determined by giving preference for retention in the following sequence:

- (1) The employee with the greatest length of service credits.
- (2) The employee with the highest service review credits.
- (3) Alphabetically.

h. The reduction in force formula approved by the Commission shall be posted by the Appointing Authority so all employees shall have access to same.

i. The Appointing Authority shall give written notice to the Commission of its intention at least fourteen (14) days prior to a reduction in force and shall send to the Commission a list of persons affected by the layoff with their total retention points and shall indicate thereon which employees will be laid off.

j. Appeal to the Commission must be filed in writing within seven (7) days after notification as provided in paragraph d of this subsection.

k. A permanent employee in a class of position in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower class of position in the same series as the class of position in which layoffs are to be effected, or, in the absence of a lower class of position in the same series, to a class of position which the employee has formerly occupied while in the continuous employ of the agency. Such demotion or the occupying of a formerly held position shall not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position, in lieu of layoff, the employee must notify the Appointing Authority, in writing, of such election not later than five (5) calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions shall have the right of election as provided herein.

Any employee who elects a voluntary demotion or to occupy a position he formerly held, in lieu of layoff, shall have the right of promotion or reinstatement to the class of position he formerly occupied, provided he meets the qualifications of the position, before any other person may be promoted to, or a new employee hired for such class of position by the Appointing Authority enforcing the layoff. Any employee laid off because of a reduction in force, shall be offered a position in the class from which he was laid off, provided he meets the qualifications of the position, before a new employee may be hired for such position by the Appointing Authority enforcing the layoff, if such opening becomes available within one (1) year of the date of such layoff because of a reduction in force.

l. The names of employees laid off by an Appointing Authority shall be placed on eligible lists as follows:

(1) The name of a permanent employee shall be placed on the preferred employment list and the reinstatement list for the class from which he is laid off as provided in subsection 6.1(1) and 6.1(2), respectively, of these rules.

(2) The name of a probationary employee shall be placed on the reinstatement list for the class from which he is laid off, as provided in subsection 6.1(2) of these rules.

m. Any temporary interruption of employment because of adverse weather conditions, shortage of supplies, or for other unexpected or unusual reasons, which does not exceed ten (10) days, shall not be considered a layoff if, at the termination of such conditions, employees are to be returned to employment. Such interruptions of employment shall be recorded and reported as leave without pay. Interruptions in employment of school term employees due to lack of work

between terms shall be recorded and reported as leave without pay. If all such employees available for work cannot be returned to their positions when school resumes, order of recall shall be in accordance with rules governing layoff.

11.1(4) **Retirement** - If a permanent classified employee is retired under any provision of the Iowa Code or through his own volition, he shall be considered as separated without prejudice and does not have a right of appeal to the Commission.

11.2 **Disciplinary Action** - The attainment of permanent classified status in a class of position does not create sinecure of right of position regardless of performance level, but rather - a fair evaluation and treatment in relation to a reasonable standard of performance and action. Any employee is subject to discharge, suspension or demotion for any of the following causes: inefficiency, insubordination, incompetence, failure to perform his assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the employee's performance or the agency employing him, conviction of a crime involving moral turpitude, conduct unbecoming a public employee, misconduct or any other just and good cause.

11.2(1) **Suspension** - An Appointing Authority may, for disciplinary purposes, suspend without pay any permanent employee for such length of time as it considers appropriate not to exceed thirty days, for any of the reasons set forth in Section 11.2. A written statement of the reasons for the suspension shall be given to the employee within twenty-four hours of the action and a copy shall be sent to the Director. The suspended employee may appeal to the Appointing Authority and if not satisfied, may within thirty calendar days after such suspension appeal to the Commission for a review of the action.

11.2(2) **Reduction within Pay Grade** - An Appointing Authority may, for good cause, reduce the pay of a classified employee to a lower step within the pay grade assigned to the class of position. Within twenty-four hours of the action, a written statement of the reason or reasons for the reduction and the duration of the reduction in pay shall be given to the employee and a copy sent to the Director. The employee may file a written response to the Appointing Authority, and if not satisfied, may within thirty calendar days after such reduction in pay appeal to the Commission for a review of the action.

11.2(3) **Demotion** - An Appointing Authority may demote a permanent classified employee to a vacant permanent classified position for any of the causes set forth in Section 11.2. A written statement setting forth the specific reasons for the action shall be given to the employee within twenty-four hours of the action and a copy sent to the Director. Such employee must meet the current specification requirements for the class to which demotion is made. The demoted employee may appeal to the Appointing Authority, and if not satisfied, may within thirty calendar days after such demotion appeal to the Commission for a review of the action.

11.2(4) **Discharge** - An Appointing Authority may discharge any permanent classified employee for any of the causes set forth in Section 11.2. A written statement setting forth the specific cause or causes under which the Appointing Authority has so acted shall be given to the employee within twenty-four hours of the action and a copy sent to the Director. The discharged employee may appeal to the Appointing Authority and if not satisfied, may within thirty calendar days after such discharge appeal to the Commission for a review of the action.

CHAPTER 12 APPEALS

12.1 **Appeals of allocation or reallocation** - The Appointing Authority or a permanent classified employee affected by an allocation or reallocation may within fourteen calendar days of the final action of the Director, on reconsideration, file an appeal to a qualified classification committee appointed by the Commission. The appeal request shall be filed in writing with the Director and shall contain affidavits, written evidence, statements or exhibits which are to be considered by the classification committee. The classification committee shall make such investigation as it deems necessary to determine the proper allocation or reallocation and make its findings in writing to the Commission. The findings of the classification committee shall be binding on all parties concerned and shall be presented within thirty calendar days of the receipt of the written appeal. Decisions of the classification committee shall stand until significant changes in duties and responsibilities of the position can be shown.

12.2 **Appeal from examination rejection** - Any applicant whose application to entrance or promotional examination has been rejected by the Director may appeal to the Commission for a review of the reasons for his rejection. Such right of appeal shall expire unless the applicant shall file written appeal to the Director within seven calendar days of notification of the rejection of his application. The Commission shall hear the appeal at its next regularly scheduled meeting, or at special meeting as the Commission may direct, and give its written decision within seven calendar days of the hearing date.

12.2(1) Applicants who have made proper appeal may be admitted to the examination pending the Commission's decision.

12.3 **Review of examination ratings** - Any applicant who has taken an open competitive or promotional examination may appeal to the Commission for a review of his rating on any part of such examination to assure that uniform rating procedures have been applied equally and fairly. Such appeal right shall expire unless the applicant shall file written appeal to the Director within seven calendar days of notification of the examination results. The Commission shall hear the appeal at its next regularly scheduled meeting, or at special meeting as the Commission may direct, and give its written decision within seven calendar days of the hearing date.

12.3(1) A rating in any part of an examination may be changed if compliance with the foregoing conditions has been met and it is found by the Commission that a substantial error has been made. A correction in the rating shall not affect a certification or appointment which may already have been made from the eligible lists.

12.4 **Appeal for removal from eligible lists** - An eligible whose name has been removed from an eligible list for any of the reasons specified in these rules may appeal to the Commission for reconsideration of such action. Such right of appeal shall expire unless the eligible shall file written appeal to the Director within seven calendar days of notification of removal. The Commission shall hear the appeal at its next regularly scheduled meeting, or at special meeting as the Commission may direct, and give its written decision within seven calendar days of the hearing date.

12.5 **Appeal for veteran's preference** - Any person entitled to veteran's preference of five points or ten points, as outlined in these rules and the Act, may appeal to the Commission his preference entitlement, placement on the eligible lists or certification method. Such appeal rights shall expire unless the person claiming veteran's rights shall file written appeal to the Director on notification of or his learning of the alleged mistake in granting veteran's preferences. The Commission shall hear the appeal at its next regularly scheduled meeting, or at special meeting as the Commission shall direct, and give its written decision within seven calendar days of the hearing date.

12.6 **Appeal from discrimination** - Any applicant or employee who has reason to believe that he has been discriminated against because of religious or political opinions or affiliations or race or national origin or any other non-merit factor in any personnel action including denial of transfer may appeal to the Commission. Such appeal shall be filed in writing and within ninety (90) calendar days of the alleged discrimination. The Commission shall hear the appeal at its next regularly scheduled meeting, or at special meeting as the Commission shall direct, and give its written decision within seven calendar days of the hearing date.

12.7 **Retirement** - If a permanent classified employee is retired under any provisions of the Iowa Code or, through his own volition, he shall be considered as separated without prejudice and does not have right of appeal of such action to the Commission.

12.8 **Resignation** - Any permanent classified employee who resigns from his position shall not have the right of appeal to the Commission.

12.9 **Appeals from dismissal, suspension or demotion** - Any permanent classified employee who is dismissed, demoted or suspended may appeal in writing to the Commission within thirty (30) calendar days of such action by the Appointing Authority. Within seven (7) calendar days of the receipt of such written appeal, the Commission shall serve the employee and the Appointing Authority with written notice of the hearing date, which shall be the next regularly scheduled meeting or a special meeting as the Commission may direct within thirty (30) calendar days following the filing of appeal, and give its written decision within ten (10) calendar days of the hearing date. The Commission shall sustain or not sustain the appeal for suspension, and if sustained the employee shall be reinstated to his position without loss of pay or other benefits for the period of suspension. In the case of dismissal or demotion the Commission may affirm, modify or reverse on its merits.

12.10 **Conduct of the appeal hearing by the Commission** -

12.10(1) **Information for conduct of hearing:**

a. Hearings before the Commission shall not be open to the public, unless a public hearing is requested by the employee prior to the hearing date.

b. Hearings shall be informal and technical rules of evidence shall not apply.

c. The Chairman of the Commission, or any member of the Commission, as designated by the Chairman, shall preside at the hearing.

d. The Appointing Authority concerned shall appear in person or shall designate a representative to appear in his behalf and shall present the agency's position in the personnel action.

- e. The appellant may appear before the Commission in his own behalf or be represented by a third party.
 - f. The Commission shall determine the evidence, facts or testimony upon the specific cause under which the Appointing Authority has acted in discharging, suspending or demoting the appellant, as contained in the letter or other appropriate document in written form given to the appellant, and shall not consider any additional material beyond the scope of the charges so contained.
 - g. All testimony, facts, documents or other materials offered must be relevant and bear upon the act of dismissal, suspension or demotion. Any testimony, facts, documents or other materials considered by the Commission not to meet this criteria may be properly excluded. The Commission shall consider the objection of either party to the introduction of the aforementioned. Competence and relevance shall be the primary test in ruling on such objections.
 - h. The Commission will make no assumption of innocence or guilt, but will be guided solely in its decision by the facts as they appear at the hearing.
 - i. At the beginning of his testimony, each witness will be required to state his name, address and other pertinent information. All testimony shall be made under oath and shall be subject to questioning by the parties and the Commission at the proper time.
 - j. Any letter, paper, or other object offered at the hearing shall be properly presented and shall be marked with a distinguishing number, such as Appointing Authority Exhibit No. 1 or Appellant Exhibit No. 1. Opposing parties shall be entitled to examine the exhibits as offered and make objections where applicable.
 - k. Testimony may be presented in statement or question and answer form, and shall be recorded, transcribed or otherwise preserved as the Commission may direct.
 - l. No question shall be allowed or statements made, by any person attending the hearing, except through the Appointing Authority, the appellant, or their designated representatives or through the presiding officer of the Commission.
 - m. The members of the Commission, or the Director, shall have the power to administer oaths, subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by the Act.
 - n. Good reason appearing therefore, hearings may be continued beyond the period originally scheduled or recessed by the Commission or by agreement of the parties. Request for continuance shall be made to the Commission at least one calendar week prior to the scheduled hearing date, but may be waived by the Commission upon proper showing.
- 12.10(2) Order of procedure on appeal:**
- a. The Chairman of the Commission, or any member of the Commission, designated by the Chairman, shall convene the Commission at the time and place specified for the purpose of hearing the appeal. Written notice of the time and place of the hearing shall be furnished in accordance with the Act and these rules.
 - b. The Chairman, or Commission member designated, shall state the subject of the hearing and the names of the principals.
 - c. The hearing shall be heard in the following manner:
 - (1) Presentation by the appellant, followed by responsive questioning by the Appointing Authority and the Commission.
 - (2) Presentation of the Appointing Authority, followed by responsive questioning by the appellant and the Commission.
 - (3) Closing statement by the appellant.
 - (4) Closing statement by the Appointing Authority.
 - (5) Submission of the case to the Commission.

**CHAPTER 13
SERVICE RECORDS
(PERFORMANCE EVALUATION)**

- 13.1 The Commission shall establish and make effective a system of service records designed to give a fair and impartial evaluation of the quality and quantity of the work performed by classified employees. Insofar as practicable, the system of service records in the agencies shall be uniform, but the Commission may approve an agency service record form which is in accordance with the service records established by the Commission.
- 13.2 Such service records shall be prepared at least once per year for each classified employee. Service records shall be considered in determining salary advancement, in making promotions, demotions, transfers, reinstatements, dismissals, in the reduction-in-force formula and shall serve as a counseling device.
- 13.3 Service records shall be discussed with the classified employee and each classified employee shall

have a right to make his comments thereon. The signing of the service record by the classified employee does not signify his agreement with the service record, but only that he has seen the service record, it has been discussed with him and he has been afforded the opportunity to make comments to be attached to or placed in the service record.

13.4 Each classified employee shall receive a copy of his service record or records and a copy of all service records shall be sent to the Merit Employment Department for inclusion in the classified employee's file as a permanent record.

13.5 For any period in which a service record has not been made as to the performance of a classified employee, or for which a service record is not made in accordance with this chapter, service shall be considered as satisfactory.

CHAPTER 14 VACATION AND LEAVE

14.1 **Attendance** - The Appointing Authority in each agency shall establish the working days and the hours of attendance for classified employees under his direction and such other regulations in regard to attendance as it deems necessary. Such regulations shall be made known to the employees.

14.2 **Vacation leave** - A probationary or permanent classified employee shall earn vacation leave with full pay for continuous employment accrued on a monthly period as follows:

- a. **Reserved for future use.**
- b. Two (2) weeks vacation during the first and through the fourth year of employment (3.0769 hours per bi-weekly pay period).
- c. Three (3) weeks vacation during the fifth and through the eleventh year of employment (4.6151 hours per bi-weekly pay period).
- d. Four (4) weeks of vacation during the twelfth and all subsequent years of employment (6.1538 hours per bi-weekly pay period).
- e. If a classified employee is terminated, other than discharge for good cause, he shall be paid the vacation he has earned and has not taken prior to termination.
- f. Time spent in military service, within the four-year time limit under the military training and service act, shall be considered continuous service, provided the classified employee left an agency of state government to enter the military service and returned to the state unit within the thirty-day period following his military discharge.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 14.2(1) Vacation leave must be applied for by the classified employee and may be used only when approved by the Appointing Authority, who shall designate such time or times when it will least interfere with the efficient operation of the agency, taking into consideration the vacation preference of the classified employee. Vacation need not be taken in periods of one week or more.
- 14.2(2) Probationary or permanent part-time classified employees shall accrue vacation leave in an amount proportionate to that which would be accrued under full-time employment.
- 14.2(3) Vacation leave shall not accrue to any classified employee on leave without pay, suspension, layoff or educational leave.
- 14.2(4) A classified employee who is transferred from one state agency or department to another state agency or department shall be credited with the vacation leave he has accumulated.
- 14.2(5) Any classified employee who is separated from state employment by layoff, resignation, death or otherwise, shall be paid or shall have payment made according to law, for any unused vacation earned.
- 14.2(6) All earned accumulated vacation leave shall be paid to a classified employee before he is granted leave without pay, except as otherwise provided in these rules.
- 14.2(7) Vacation leave shall be taken upon a work day basis. Officially designated holidays falling within a period of vacation leave shall not be counted against vacation leave.
- 14.2(8) A classified employee who is discharged for good cause, or for other reasons set forth in these rules, shall not be paid for vacation leave earned.
- 14.2(9) Vacation leave may not be taken in advance.
- 14.2(10) Vacation leave shall be cumulative to twice the annual entitlement, but an Appointing Authority may require a classified employee to take vacation leave whenever in his administrative judgment such action would be in the best interests of the agency, but no classified employee shall be required to reduce his accrued leave to less than one week by such action.
- 14.2(11) **Reserved for future use.**
- 14.2(12) One week vacation shall be equal to the number of hours in the employee's normal work week.

14.3 **Sick leave** - A probationary or permanent classified employee shall be entitled to sick leave with full pay at the rate of two and one-half working days for each month of service, SUBJECT TO THE

FOLLOWING CONDITIONS.

14.3(1) Sick leave shall apply to a period in which the classified employee is incapacitated from the performance of his duties by sickness or injury, for medical, surgical, dental or optical examination or treatment, or where by reason of his exposure to contagious disease, his presence at his post of duty would jeopardize the health of others. Disabilities caused or contributed to by pregnancy and recovery therefrom shall be covered by sick leave.

14.3(2) Sick leave shall not be used for vacation leave.

14.3(3) Sick leave shall not be taken in advance.

14.3(4) Sick leave shall not be cumulative for more than ninety (90) working days.

14.3(5) In all cases where a classified employee has been absent on sick leave, he shall immediately upon return to work submit a statement that such absence was due to illness or other reasons stated in 14.3(1). In cases where such absence exceeds three (3) calendar days, such statement shall be verified by a physician or other authorized practitioner, unless waived by the Appointing Authority. For a lesser period of absence, the Appointing Authority may, at his discretion, require evidence of illness or other reasons defined in 14.3(1) as he deems necessary and in all cases sick leave shall not be granted until approved by the Appointing Authority.

14.3(6) Sick leave shall be taken on a working day basis. Officially designated holidays falling within a period of sick leave shall not be counted against sick leave.

14.3(7) Sick leave shall not accrue during leave of absence without pay, suspension, layoff or educational leave.

14.3(8) Probationary and permanent part-time classified employees shall accrue sick leave in an amount proportionate to that which would be accrued under full-time employment.

14.3(9) A classified employee who is transferred from one state agency or department shall be credited with the sick leave he has accumulated.

14.3(10) All sick leave shall expire on the date of separation from the classified service, and no classified employee shall be reimbursed for sick leave outstanding at the time of such separation.

14.3(11) If an absence of illness or injury extends beyond the sick leave accrued to the credit of the classified employee, such additional time may be charged to vacation leave. If all sick and vacation leave is used, the classified employee may be granted sick leave without pay, other leave without pay or terminated.

14.4 **Enforced leave** - The Appointing Authority shall grant a classified employee time off from his duties, with compensation for absence necessary or reasonable, when some member of his immediate family requires the classified employee's care or attention, or in case of death in the immediate family. Said enforced leave *shall be charged against the employee's sick leave and* shall not be granted in excess of accumulated sick leave. The number of days granted will be governed by the circumstances of the case, but in no event shall they exceed five sick days in any calendar year.

14.5 **Sick leave without pay** - Upon written application of a classified employee, sick leave without pay may be granted by the Appointing Authority, in writing, for the remaining period of disability after both sick leave and vacation leave have been exhausted. In the event such leave exceeds one year, an extension must be requested and approved by the Appointing Authority. At any time the Appointing Authority may require the classified employee to submit a certificate from the attending physician or practitioner. In the event of a failure or refusal to supply such certificate, or if the certificate does not clearly show sufficient disability to preclude the classified employee from the performance of his regular duties, such sick leave without pay shall be cancelled and the classified employee returned to work or terminated at the Appointing Authority's option.

14.6 **Leave of absence without pay** - A permanent or probationary classified employee, upon application in writing, and upon written approval of the Appointing Authority, may be granted leave without pay for any reason deemed satisfactory to the Appointing Authority, subject to the following conditions:

14.6(1) Such leave shall not be granted for more than twelve months, but upon written application, prior to the expiration of such leave, the Appointing Authority may grant written extensions of such leave as appear best to serve the interests of the agency. Such extension shall not be for more than an additional year.

14.6(2) Failure on the part of the classified employee to report immediately at the expiration of a leave of absence without pay or extension of such leave, except for valid reasons submitted in advance and approved by the Appointing Authority, shall be considered a resignation.

14.7 **Educational leave** - Educational leave, either with or without pay, may be granted at the discretion of the Appointing Authority for a period not to exceed one year. Provided, however, the Appointing Authority may grant such extensions as may appear best to serve the interests of the agency not to exceed one year. When additional leave is granted, the classified employee need not be required to first exhaust his vacation leave.

14.8 **Rights upon return from sick leave without pay, leave without pay or educational leave without**

15.9 The Hearing

15.9(1) All hearings shall be held in an informal manner. Witnesses may be called by either party and questioned by both parties. Documents and written statements which are material shall be considered, but shall not be limited by rules of evidence.

15.9(2) The presiding officer of the respective hearings shall be:
Step 2 – The next higher authority.

Step 3 – The Appointing Authority or his delegated representative.

Step 4 – The Chairman of the Merit Employment Commission.

15.10 The aggrieved employee shall be notified far enough in advance of any hearing so that he can make arrangements to attend the hearing.

15.11 The aggrieved classified employee and all witnesses, who are classified state employees, shall be allowed time off with pay to attend the hearings. But witnesses shall not be cumulative and shall be controlled as to numbers so as not to affect the service of the agency. Statements of witnesses may be taken in lieu of appearance or stipulation made thereto.

15.12 No classified employee may be coerced by his supervisor or the Appointing Authority into not proceeding with a grievance or appearing as a witness at a hearing. Such action by the supervisor or the Appointing Authority shall be considered as a basis of appeal.

15.13 The third party, if a classified employee, shall be allowed time off, but without pay.

CHAPTER 16 POLITICAL ACTIVITY

16.1 Classified employees, whether full-time or part-time temporary, provisional, intermittent, probationary or permanent, shall be prohibited from:

16.1(1) Engaging in any partisan political activity during scheduled working hours, while on duty, when using state equipment, or on state property;

16.1(2) Neglecting his or her assigned duties or responsibilities during working hours, while on duty, when using state equipment or on state property;

16.1(3) Wearing badges or other representation of political preference during working hours, while on duty, when using state equipment or on state property;

16.1(4) Using his or her office, public position, public property or supplies to secure contributions or to influence an election for any political party or any person seeking political office;

16.1(5) Soliciting or receiving anything of value as a partisan political contribution or subterfuge for such contribution from any other person for any political party or any person seeking political office during scheduled working hours, while on duty, when using state equipment or on state property; (Also see Section 740.13 of the Code of Iowa);

16.1(6) Promising or using influence, to secure public employment or other benefits financed from public funds as a reward for political activity;

16.1(7) Discriminating in favor of, or against, an officer, employee, or applicant on account of his or her political contribution or permitted political activity at any level of State government;

16.1(8) Being a candidate for any partisan elective office for remuneration while on active duty. This does not prohibit a classified employee from holding any office which is not paid or for which token pay is received.

16.2 In addition to 16.1 employees of the grant-in-aid agencies such as Employment Security Commission, Department of Health, certain areas of Social Services and Civil Defense and others shall be subject to the applicable provisions of the Federal Hatch Act. When required by the granting Federal Agency these provisions shall be made known to employees of such agencies by the Appointing Authorities concerned and compliance adhered to.

16.3 In addition to 16.1, officers and employees of the Beer and Liquor Control Department are governed by the provisions of Chapter 123.17, Code of Iowa. These provisions shall be made known to officers and employees of the Beer and Liquor Control Department and compliance adhered to.

CHAPTER 17 RECORDS AND REPORTS

17.1 **Agency Attendance Records** - Each agency shall maintain an adequate set of classified employee records for the purpose of recording attendance. These records shall include attendance on official duty; vacation and sick leave earned, used and accrued; compensatory time earned, used and accrued; overtime earned, used and accrued.

- 17.2 **Roster** - The Director shall establish and maintain a roster of all employees in the classified service, showing for each classified employee the class title, salary, date of employment and such other data as the Commission deems pertinent.
- 17.3 **Reports of Personnel Transactions in the Classified Service** - The Commission shall prescribe the necessary official forms for the report of all personnel transactions and procedures. Classified employees shall receive a copy of all personnel status changes by which they are affected.
- 17.4 **Records of the Merit Employment Department** - The records of the Merit Employment Department, except for examination materials, service records, personal histories, and such other records as may be specified in the rules or by official action of the Commission as confidential, may be inspected at the Department's offices during working hours. Any classified employee shall have the right to examine his personal file during regular working hours of the Department.

CHAPTER 18 CONDUCT OF CLASSIFIED EMPLOYEES

- 18.1 Every classified employee shall fulfill to the best of his ability the duties of the office or position conferred upon him and shall prove himself in his behavior, inside and outside, the worth of the esteem which his office or position requires. In his official activities, the classified employee shall pursue the common good, and, not only be impartial, but so act as neither to endanger his impartiality nor to give occasion for distrust of his impartiality.
- 18.2 A classified employee shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his duties as a classified employee or with the duties or responsibilities of the Appointing Authority by which he is employed.
- 18.3 Each Appointing Authority shall determine and prescribe those activities which, for classified employees under its jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as classified employees. All classified employees under the jurisdiction of the Appointing Authority shall be notified of this determination. In making this determination, the Appointing Authority shall give consideration to employment, activity or enterprise which:
- A. Involves private gain or advantage of state time, facilities, equipment and supplies; or, the badge, uniform, prestige or influence of one's state office of employment,
 - B. Involves receipt or acceptance by classified employees of any money or other consideration from anyone, other than the state, for the performance of an act which the classified employee would be required or expected to render in the regular course or hours of his state employment or as a part of his duties as a state classified employee, or
 - C. Involves the performance of an act in other than his capacity as a state classified employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by such classified employee or the agency by which he is employed.
- 18.4 Each classified employee shall during his hours of duty and subject to such other laws, rules and regulations as pertain thereto, devote his full time, attention and efforts to his office or employment. The tenure of office of every classified employee shall depend upon good behavior and the satisfactory performance of his duties as recorded in his service record and other standards of performance. This provision, however, shall not be interpreted to prevent the separation of a classified employee for causes set forth in these rules or the Act, or the separation of a classified employee because of lack of funds, curtailment of work or organization, when made in accordance with these rules and approved by the Executive Council of the State of Iowa when required.

CHAPTER 19 GENERAL

- 19.1 The Iowa State Merit System of Personnel Administration is established and governed by the provisions of Chapter 19A. of the Code of Iowa. The operational unit under such authority is the Merit Employment Department through the executive responsibility of the Director of Merit Employment. Within the Merit Employment Department a Merit Employment Commission of five members is appointed by the Governor subject to the approval of two-thirds of the Senate. The Commission is non-partisan and no more than three members of the Commission may be of the same political party. The Merit Employment Department is the central personnel agency responsible for all aspects of the state's personnel program governing appointments, promotion, layoff, transfers, welfare, discipline,

appeal, grievance, salary, classification, selection and leave based on merit principles, equal opportunity and fitness. The agency's operational structure is composed of two groups, clerical administration and technical services. Information, submissions or requests concerning any operation of the Merit Employment Department should be addressed to Grimes State Office Building, State Capitol, Des Moines, Iowa 50319. Telephone contact may be made through the listings provided in the Des Moines telephone directory.

19.2 The Merit Employment Department does not require special forms for any appeal or request to the Merit Employment Commission or to the Merit Employment Department as provided in these rules. Official application forms are provided in these rules. All appeals and requests must, however, be in writing. Official application forms are provided by Merit Employment Department and are available from Merit Employment Department and state agencies and Employment Security Commission employment offices.

19.3 **Declaratory rulings by the Merit Employment Department-**

19.3(1) Any person may make a written request for a declaratory judgment as to statutory provisions of the merit act, rule, or other written statement of law or policy, decision or order of the Merit Employment Commission, the Merit Employment Department, the Director or other authorized person.

19.3(2) No special form or procedure shall be required for a request for a declaratory judgment. The request must state specifically the statutory provision, rule, written statement of law, policy, decision or order concerned and enough information must be presented in the posed question so it may be answered completely and accurately.

19.3(3) Answers to requests for declaratory judgments will be made within seven (7) working days of the receipt of the request, unless the request must be answered by the Merit Employment Commission. In the latter instance the request will be presented to the Merit Employment Commission at their next regularly scheduled meeting and answer will be made within five (5) working days following that Merit Employment Commission meeting. If it is necessary the request be presented to the Merit Employment Commission, petitioner will be notified of such action.

19.3(4) Declaratory rulings made by the Merit Employment Department, the Merit Employment Commission, the Director or other authorized person shall have the same status as a decision or order in a contested case.

19.4 **Petition for promulgation, amendment, revision or repeal of a merit rule-**

19.4(1) Any person may petition the Merit Employment Commission or the Director requesting the promulgation, amendment, revision or repeal of a merit rule.

19.4(2) No special form shall be required for such petition, but the following shall be required for consideration:

a. The petition shall be in writing.

b. Proposed promulgation, amendment, revision or repeal petition shall be specific and detailed sufficiently so the proposal can be accurately understood. A promulgation, amendment or revision petition shall be submitted in rule form as with other merit rules. General statements will not be entertained.

c. An explanatory statement for the proposed promulgation, amendment, revision or repeal shall accompany each petition.

d. More than one petition may be submitted at any given time, but each must comply with subsection b and c.

19.4(3) Within 60 days after the receipt of a petition, the Merit Employment Commission or the Director shall:

- a. Deny the petition in writing on the merits stating reasons for the denial, or;
- b. Initiate rule making proceedings in accordance with Section 17.4 of the Code.

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