



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Iowa Department Human Services

Contact Information: Kelly Garcia

Hiring Authority: Kelly Garcia

Administrative Rule to be Waived: 11-53.11(3)

Statement of Rule:

11-53.11(3) An employee in an overtime exempt job class shall not be paid for hours worked or in pay status over 40 hours in a workweek.

List the names of the persons or the description of the class known by petitioner to be affected:

Registered Nurses (82020, 02020); Nurse Practitioner (02027); Nurse Specialist (02026); Nurse Supervisor (82022, 02022); Nurse Clinician (52021, 02021); Physicians Assistant (52550, 02550)

Briefly describe the change requested, including the portion of the rule to be waived:

Permanent waiver for the above identified class to receive premium (time and a half) overtime after 80 hours worked in a pay period.

Justification for waiving rule (attach additional sheets, as needed):

Premium overtime is industry standard for the nursing sector. DHS institutions continue to have recruitment/retention challenges due to the ongoing state/national nursing shortages. Allowing for a permanent waiver of this rule would provide stability to nurse pay, help DHS compete in a challenging hiring market, and encourage those nurses who are currently on staff to stay with DHS and work additional hours. A temporary waiver would be impracticable as it is seen as a stop gap measure that may be taken away at any time and it therefore does not effectuate the goals of this waiver request.

Department Director Signature Kelly Garcia Date 02/15/2022

DAS-HRE Bureau Chief Signature _____ Date _____

Decision:

- Granted
- Denied

Signature of DAS Director's Designee/COO of DAS-HRE [Signature] Date 2/15/22