



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Iowa Dept of Homeland Security and Emergency Management

Contact Information: John Benson

Hiring Authority: John Benson

Administrative Rule to be Waived: 11-53.11(3) OT- Exempt job classes

Statement of Rule:

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

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

All positions designated by Director Benson and deployed out of state to fulfill EMAC disaster relief obligations or pursuant to a FEMA intergovernmental agreement.

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

Waiver for positions as designated by Director Benson for overtime pay (either hour-for-hour or premium overtime pay) that will be reimbursed under EMAC agreements with other states and U.S. territories or by FEMA for disaster relief assistance.

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

Had this been a disaster in Iowa, the Iowa Governor would have issued a Disaster Proclamation which would have contained the language to waive IAC 53.11(3).

Department Director Signature John R. Benson Digitally signed by John R. Benson Date: 2022.09.19 14:58:16 -05'00' Date _____

DAS-HRE Bureau Chief Signature _____ Date _____

Decision:

Granted
 Denied

Signature of DAS Director's Designee/COO of DAS-HRE *John Benson* Date 9.21.2022



Reinders, Erin <erin.reinders@iowa.gov>

Re: OT Admin Rule Waiver Request

1 message

Nicholson, Jacob <jacob.nicholson@iowa.gov>

Wed, Sep 21, 2022 at 12:17 PM

To: Erin Reinders <erin.reinders@iowa.gov>

Cc: "Benson, John" <john.benson@iowa.gov>, "Steen, Adam" <adam.steen@iowa.gov>, Julie Nishijima <Julie.Nishijima@iowa.gov>

Erin,

John is tied up at a conference this morning/afternoon so he asked that I respond to ensure this waiver request keep moving.

1. Anticipated Timeframe: Our current offer as drafted has the mission commencing on 10/3 (with travel on 10/2) and ongoing for 15 days. However, it is possible the mission may be extended once in place and our staff have indicated general availability to support through the month of October 2022.
2. Current mission scope has a Program Planner 3 and an Executive Officer 2 slated to support. This could change if the mission is extended and staff are swapped out.
3. The determination to pay straight time versus time and a half for OT was based upon the OT rates that these positions were formerly paid before OT eligibility was eliminated. Both the PP3 and EO2 positions were formerly eligible for straight time OT prior to enacting legislation that shifted them to OT exempt positions. Additionally, when the OT eligibility requirements are waived as part of a SEOC activation via a Governor's Proclamation, we historically have compensated at straight time versus time and a half OT. We are open to other methodologies or recommendations from DAS for determining OT rates for these exceptional circumstances.

Hopefully this is helpful.

Thanks!

----- Forwarded message -----

From: Reinders, Erin <erin.reinders@iowa.gov>

Date: Wed, Sep 21, 2022, 11:35 AM

Subject: Re: OT Admin Rule Waiver Request

To: Benson, John <john.benson@iowa.gov>

Cc: Adam Steen <adam.steen@iowa.gov>, Julie Nishijima <julie.nishijima@iowa.gov>

Hi John-

After initial review of the request, I have a few follow up questions that I would like to get better clarification on before we sign off on a waiver of this nature. Please provide answers to the following questions -

What is the anticipated timeframe for the request? (best estimate if unknown)

What are the specific classifications that will possibly be designated?

How is it determined which positions will get hour-for-hour vs. premium pay?

We should be able to get the signed request back to you fairly quickly after we receive your responses and possibly update the document.

Thank you-

Erin Reinders, Chief Operations Officer, PHR,

SHRM-CP

Iowa Department of Administrative Services



Human Resources Enterprise
 Mobile: 515-414-0631
 erin.reinders@iowa.gov
 https://das.iowa.gov

On Wed, Sep 21, 2022 at 8:46 AM Benson, John <john.benson@iowa.gov> wrote:
 I am doing a quick check on this request. This is a time sensitive issue.

Thanks

John R. Benson
 Director and HSA
 Iowa Homeland Security and Emergency Management

On Mon, Sep 19, 2022, 3:10 PM Benson, John <john.benson@iowa.gov> wrote:
 Director and Erin,

Please find the attached Admin Rule Waiver request form. This request deals with a pending deployment of my staff to Mississippi to support the Jackson water crisis.

This deployment would be at the request of the state of Mississippi and in accordance with Code of Iowa section 29C.21, Emergency Management Assistance Compact (EMAC). When on the ground, our staff is expected to work 12 hour shifts each day of the 15 day deployment. As these staff members are not eligible for OT, I am requesting a waiver for any employees that would be deployed to this incident via EMAC.

I have included you both as I am not sure where the document should go after my signature. If you have any questions, please let me know.

Thanks

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John R. Benson | Director
Iowa Department of Homeland Security & Emergency Management
Enhancing the quality of life for Iowans by preparing our State and building resilient communities.
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