

# ADMINISTRATIVE RULE WAIVER REQUEST

**Petitioner Name:** Kelly Garcia, Director Department of Human Services

**Contact Information:** (515) 281-5452

**Hiring Authority:** Cory Turner, State-Operated Specialty Care Division Director

**Administrative Rule to be Waived:** 11-53.11(5)

**Statement of Rule:**

11-53.11(5) Compensatory time. An overtime eligible employee may accrue up to 80 hours of compensatory time before it must be paid off. Compensatory time may be paid off at any time, but it shall be paid off if the employee separates, transfers to a different agency, or moves to a class with a different overtime eligibility designation.

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

Registered Nurses (82020, 02020); Nurse Specialist (02026); Nurse Supervisor (82022, 02022); Nurse Clinician (52021, 02021)

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

An existing and permanent waiver of Administrative Rule 11.53-11(3) is in place to provide overtime compensation to the classifications referred within so as to align with industry standard and assist with recruitment/retention which has been extremely challenging for the past five (5) years. Unfortunately, compensatory time, addressed under 11-53.11(5), was not considered or was not approved (unknown) at the time of approval. This new waiver request is to also waive 11-53.11(5) to allow these classifications to comp their overtime in the same way as an overtime eligible employee can.

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

Today's employees value compensatory time as much if not more than overtime pay. Being able to comp overtime has been a recurring request from potential and existing nurses. It is rather unusual in the private sector for an employee to not have the option to take overtime as comp time, which does not help with our recruiting efforts. Approving this waiver request will be cost neutral and will not negatively affect operations since employees will have the option to schedule use of comp time or take it in pay.

**Department Director Signature** Kelly K. Garcia, Director, HHS **Date** May 7, 2025

**DAS-HRE Bureau Chief Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Decision:**

- Granted**  
 **Denied**

**Signature of DAS Director's Designee/COO of DAS-HRE**  **Date** 5.27.2025