



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Dave Cretors

Contact Information: 515-725-8413, dave.cretors@dnr.iowa.gov

Hiring Authority: Chuck Glpp, Director, Department of Natural Resources

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

Statement of Rule:

53.11(5) Compensatory time. An overtime eligible employee in a noncontract class 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. The paying off of compensatory time for employees in classes covered by a collective bargaining agreement shall be in accordance with the terms of the applicable agreement.

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

See attached letters for affected classes and applicable bureaus.

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

The Department currently and has historically had notifications in place through the AFSCME collective bargaining agreement that adjust compensatory payout times from June 30 of each year to alternate dates based primarily on specific bureau peak work periods. Copies of these four (4) notifications are attached.

With recent legislative changes to Iowa Code - Chapter 20, we have staff within these bureaus that are Fair Labor Standards Act (FLSA) exempt that have traditionally earned "time for time" compensatory time and will no longer earn this time beginning July 1, 2017. Many of these staff have compensatory time balances on the books that they have not had opportunity to use due to the adjusted compensatory time use schedules. Additionally, we have staff that are FLSA covered that have compensatory time balances that they have not had opportunity to use due to the adjusted compensatory time use schedules. Our waiver request would include the ability of these staff to roll over their compensatory time, at the balances they have on June 30, 2017, (noting that some balances may exceed 80 hours) with the expectation that the balances would be used or paid out by the following dates:

- Shooting Sports and Hunter Education Staff of Law Enforcement Bureau: September 7, 2017
- Forestry Bureau: February 28, 2018
- Wildlife Bureau: February 28, 2018
- Fisheries Bureau: March 22, 2018
- Parks Bureau: March 31, 2018
- Engineering/Land and Waters Bureau: March 31, 2018

Following these dates, affected FLSA exempt employees would no longer hold compensatory time balances.



ADMINISTRATIVE RULE WAIVER REQUEST

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

The timing of the recent Chapter 20 changes, combined with the delays in understanding and interpreting those changes as related to compensatory time use, has placed a bind on the ability of staff in bureaus with adjusted compensatory time use/payout periods to use their accumulated compensatory balances. The Department is currently not financially positioned to readily pay out these compensatory balances at the end of this Fiscal Year. Granting this waiver will allow staff a fair and well defined period of time to use their compensatory balances as well as not put the Department in financial hardship.

Petitioner Signature

Date 6/16/2017

DAS-HRE Bureau Chief Signature

Date 6/19/2017

Decision:



Granted
Denied

* will need to fast HRIS re: excess of 80 to ensure we can track.

Signature of DAS Director's
Designee/COO of DAS-HRE

Date 6/19/2017

STATE OF IOWA
GOVERNOR KIM REYNOLDS ★ LT. GOVERNOR ADAM GREGG
DIRECTOR OF DEPARTMENT OF NATURAL RESOURCES CHUCK GIPP

June 16, 2017

Director Janet Phipps
Iowa Department of Administrative Services
Hoover Building

Dear Director Phipps,

The Department of Natural Resources (Department) respectfully requests a waiver to Iowa Administrative Code 11-53.11(5). This waiver is being requested as related to usage of compensatory time by Department staff.

For this request, I have attached copies of the Department's current AFSCME compensatory time period adjustment notifications and a completed DAS Administrative Rule Waiver Request Form. Please feel free to contact me directly at 515-725-8413 or dave.cretors@dnr.iowa.gov if you have any questions or concerns.

Thank you for your consideration.

Sincerely,



Dave Cretors, Chief
Customer and Employee Services Bureau

Encl: AFSCME Notification Letters (4)
Administrative Rule Waiver Request



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

June 15, 2015

Danny Homan
AFSCME Council 61
4320 NW 2nd Avenue
Des Moines, IA 50313

COPY

Dear Mr. Homan,

Effective immediately, the Department of Natural Resources (DNR) is hereby notifying Council 61 of the American Federation of State, County and Municipal Employees of DNR's intention to continue utilizing compensatory time accrual and utilization dates that are different from the state fiscal year. As per Article VIII, Section 2, Subsection B(4) of the 2015-2017 AFSCME Collective Bargaining Agreement, the DNR hereby establishes that compensatory time must be utilized or paid out by the end of the pay period that includes September 1 of each year. This action is effective immediately for the following classification series in the following Work Units:

Work Units

1. Shooting Sports and Hunter Education staff within the Law Enforcement Bureau

Affected Classification Series:

Executive Officer
Program Planner

This change will afford the affected employees greater flexibility in using accrued compensatory time while allowing greater efficiencies for the programs they support or manage.

I appreciate your attention to this important matter. You may contact Dave Cretors, Chief – Customer and Employee Services Bureau at 515-281-0413 or dave.cretors@dnr.iowa.gov, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Bruce Trautman".

Bruce Trautman, Deputy Director



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
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Work Units

1. Forestry Bureau of the Conservation and Recreation Division
2. Wildlife Bureau of the Conservation and Recreation Division

Affected Classification Series:

Administrative Assistant
Carpenter
Construction Technician
Custodial Worker
Executive Officer
Maintenance Repair
Museum Technician

Natural Resources Technician
Park Manager
Right of Way Agent
Right of Way Aide
Program Planner
Secretary

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Sincerely,

Bruce Trautman, Deputy Director



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Work Units

1. Fisheries Bureau of the Conservation and Recreation Division

Affected Classification Series/Class:

Administrative Assistant
Carpenter
Construction Technician
Custodial Worker
Executive Officer
Maintenance Repair
Museum Technician

Natural Resources Technician
Park Manager
Right of Way Agent
Right of Way Aide
Program Planner
Secretary
Facilities Maintenance Coordinator Class

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Bruce Trautman, Deputy Director



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Work Units

1. Parks Bureau of the Conservation and Recreation Division
2. Engineering/Land and Waters Bureau of the Conservation and Recreation Division

Affected Classification Series:

Administrative Assistant
Carpenter
Construction Technician
Custodial Worker
Executive Officer
Maintenance Repair
Museum Technician

Natural Resources Technician
Park Manager
Right of Way Agent
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