



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: COL (Ret) Gary A. Freese, Individual Reliability Program Certifying Officer

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Hiring Authority: MG Benjamin J. Corell

Administrative Rule to be Waived: 11 IAC 54.7(4)

Statement of Rule:

54.7(4) Employee drug tests. Drug testing of employees is prohibited except as provided in subrule 54.7(2), paragraph "b."

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

Installation Security Officers – Performs armed law enforcement and security work to insure the protection of persons, buildings, facilities and equipment on a National Guard base; performs related work as required.

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

The Iowa Department of Public Defense requests a waiver to allow for the initial and annual drug testing of Installation Security Officers as a requirement for employment in order to meet the requirements for federal funding of these positions. This requirement is in accordance with U.S. Army Regulations 600-85 (AR 600-85) and the Master Cooperative Agreement – Appendix 3.

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

The Iowa Department of Public Defense receives federal funding through the Master Cooperative Agreement-Appendix 3 with the National Guard Bureau to fund 100% of the Installation Security Officers salaries. In order to obtain this funding there are federal regulations related to standards of employment that must be met (AR 600-85). Per Iowa Code 8A.109.1, 1. Neither the provisions of this chapter nor rules adopted pursuant to this chapter shall apply in any situation where such provision or rule is in conflict with a governing federal regulation or where the provision or rule would jeopardize the receipt of federal funds.

Department Director Signature

Date 07 APRIL 2020

DAS-HRE Bureau Chief Signature

Date

Decision:



Granted



Denied

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

Date

4/2/2020