



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Iowa Department of Human Services

Contact Information: Kelly Garcia

Hiring Authority: Kelly Garcia

Administrative Rule to be Waived: Iowa Admin. Code r. 11--53.11(3) Overtime Exempt Job Classes

Statement of Rule:

Exempt job classes. 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 Nurse (02020), Nurse Clinician (02021), Nurse Specialist (02026), Nurse Practitioner (02027), Nurse Supervisor (02022), Administrator of Nursing (02041), Physician Assistant (52550)

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

This waiver would allow employees in the affected job classes to be paid premium overtime for hours worked in excess of 80 hours in a pay period. Rule 11--53.11(3) prohibits employees in overtime exempt job classes from being paid overtime.

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

During the COVID-19 pandemic, premium overtime is necessary to retain and recruit nursing staff. Some nursing staff are scheduled for uneven schedules such as 32 hours in the first week of a pay period and 48 hours in the second week. These employees are considered to be paid on an 80-hour pay period basis instead of a 40-hour work week basis. This waiver would allow those employees to maintain those schedules and be paid premium overtime calculated on their scheduled 80 hour pay period.

Department Director Signature 

Date 4/10/20

DAS-HRE Bureau Chief Signature 

Date 4/10/20

Decision:

Granted
 Denied

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

Date 4/10/20