



Iowa Department of Administrative Services - Human Resources Enterprise

Managers and Supervisors Manual

Updated January 10, 2020

This manual is intended as a reference guide for managers and supervisors of State of Iowa employees and should not be considered legal advice or detailed coverage of the topics included. Please refer to Iowa Administrative code for specific procedures and details at www.legis.iowa.gov/law/administrativerules/agencies.

If you have questions, or need further assistance, contact your assigned DAS-HRE personnel officer.

Please note: You may need to download and install the [Adobe Reader](#) to view some documents (PDFs) on this site.

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Equal Employment Opportunity, Affirmative Action, Sexual Harassment, and Violence-Free Workplace

Equal Employment Opportunity (EEO)

The State of Iowa provides “equal employment opportunity within state government to all persons.” (Iowa Code 19B.) This policy ensures individuals are not denied equal access to state employment opportunities because of their race, creed, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or gender identity, consistent with applicable state and federal policies and regulations.

Affirmative Action (AA)

It is also executive branch policy to apply affirmative action measures to correct the underutilization of females, minorities, and persons with disabilities in state employment system whenever appropriate.

The State of Iowa EEO, AA and Anti-Discrimination policies also cover information about:

- Discriminatory harassment
- Sexual harassment
- Violation of the Americans with Disabilities Act of 1990
- Complaint Reporting Procedure
- Assignment of Responsibilities

Policy in full: https://das.iowa.gov/sites/default/files/hr/documents/MS_manual/eo_aa_policy.pdf.

Sexual Harassment

The State of Iowa executive branch is committed to providing a workplace that is free from sexual harassment. State executive branch employees shall not engage in sexual harassment. Sexual harassment is a violation of both federal and state statute. Specifically, harassment on the basis of sex is a violation of Section 703 Title VII of the Civil Rights Act of 1964 (42 U.S.C. Sec. 2000e et seq.) as amended and Iowa Code section 19B.12 and chapter 216. Sexual harassment based on real or perceived sexual orientation or gender identity is a violation of Iowa Code chapter 216.

Allegations of sexual harassment will be taken seriously and prompt investigation will occur. It is the policy of the State of Iowa executive branch to maintain the confidentiality of sexual harassment complaints and investigations to the greatest extent possible (see Sections IV and V below for further information). **Complaints and records relating to complaints are confidential and not subject to disclosure under Iowa’s open records laws.**

Policy in full: https://das.iowa.gov/sites/default/files/hr/documents/MS_manual/Policy-SexualHarassment.pdf.

Violence-Free Workplace

The State of Iowa is committed to providing a violence-free workplace for all employees. See the policy below for more detail. If you have a concern, please talk with your supervisor or personnel officer.

Policy in full: https://das.iowa.gov/sites/default/files/hr/documents/MS_manual/Policy-WorkplaceViolence.pdf.

Related administrative rules

11 IAC 68 [Equal employment opportunity and affirmative action](#)

Additional resources

[Equal Employment Opportunity/Affirmative Action – PDS training](#)

Forms referenced in this section

552-0318 [Employee Complaint Form](#)

***If you have any questions or need further assistance, please contact
Your assigned DAS-HRE personnel officer***

Position Classification

The Classification System

The Classification System provides a structure for human resource management decisions including:

- Pay range
- Eligibility for overtime compensation
- Eligibility for special pay actions (e.g., lead worker pay)
- Coverage under or exclusion from the merit system provisions of Iowa Code section 8A.411
- Coverage under or exemption from the collective bargaining provisions of Iowa Code chapter 20
- Selection (minimum qualifications, selective certifications, special requirements, method of filling positions, vacancy announcements, etc.)

The Classification System consists of more than 800 job classes. Some of these classes are then grouped into a series - a group of classes that perform the same kind of work. Each job class within a series represents a different level of work.

Job classes are listed in the [Classification and Pay Plan](#), published annually and available electronically in both alphabetical and class code order. It details pay grades, class codes, and other basic information for each job class.

Position Description Questionnaires (PDQ)

A Position Description Questionnaire (PDQ) is a written description of the duties, responsibilities, essential functions, organizational relationships, and applicable selectives and special requirements assigned to a position. The PDQ allows for identification of the kind and level of work being performed and, as the primary source of job information, it is critical to the position review process. It also serves as a resource for developing vacancy announcements, screening tools, interview questions, and performance plans.

More information about completing the PDQ is available at this link: <https://das.iowa.gov/human-resources/classification-and-pay/pdq>

Position changes

Position changes take place under a number of circumstances, including the addition/deletion of a position, position reclassification, cost center change, position type change, bargaining unit change, bargaining status change and merit status change, among others. To initiate any of the above changes, a Position Change Request (M-5) is initiated and submitted by your designated human resources associate (HRA). The appointing authority and the Department of Management must approve the M-5 prior to the DAS-HRE review. Classification changes may not be retroactively approved.

Effective date. Position changes are effective on a date set by DAS-HRE, but will always be effective at the beginning of a pay period. If the Department of Management does not approve the funding for a reclassification, duties commensurate with the previous job classification must be restored within three pay periods following that decision. Position changes will not be retroactively approved for an earlier date.

Loss of merit system coverage. For reclassifications (and transfers or reassignments) that result in an employee's loss of merit system coverage, the employee must provide written consent for a change from merit system coverage to non-merit system coverage. If the employee does not consent to the change, the appointing authority may initiate a reduction in force (RIF).

Classification system changes

DAS-HRE is responsible for administration of the executive branch classification system, including reviewing, approving, and implementing any changes. Changes to the Classification System include revision, creation, or deletion of a job class or series; changes to the pay grade assigned to a job class; and revision, creation, or deletion of a selective certification. Requests for selective certification changes require completion of the Request for Selective Certification Additions or Changes Form linked below. All other requests for changes to the classification system require completion of the Request for Classification, Compensation, and Selection Changes Form linked below. These forms should be submitted to your assigned personnel officer.

Pay grade studies

When an agency is having difficulty recruiting/retaining employees for a specific job class, it may be for salary/pay inequities. Once other causes are ruled out (such as geographic location, organizational culture, work environment, etc.), pay grade studies may, in some instances, be performed. For requests to change a pay grade, the [Pay Grade Study Questionnaire](#) should be completed. Contact the class and compensation coordinator for more information regarding pay studies.

Related Administrative Rules for this section

11 IAC 52 [Job Classification](#)

Forms referenced in this section

552-0697 [Job Evaluation Questionnaire](#)
552-0671 [Pay Grade Study Questionnaire](#)
552-0094 [Position Description Questionnaire](#)
552-0709 [Request for Classification, Compensation and Selection Changes](#)
552-0785 [Request for Selective Certification Additions or Changes](#)

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

Filling a Vacancy

State worker or contracted temporary worker?

When you determine you have a vacant position to be filled, decide if the position needs to be filled with a state worker or if you will use a contracted temp agency. For temporary staffing solutions, go to [Temporary Staffing](#).

Required paperwork

You will first need to fill out a [Hiring Justification](#), along with any internal agency documents needed to approve new hires. This form should be routed to your assigned personnel officer.

Next, you will need to fill out the Position Description Questionnaire (PDQ). The form and instructions for completing the form are [found here](#). If the duties of the position have not undergone a substantive change and the previous PDQ was reviewed within the last 24 months, there is no need to submit a new PDQ. You can submit the old PDQ with your Hiring Justification. It is always a good idea to review the position description and evaluate if the duties and essential functions are still valid for the position you are filling.

Announcing the vacancy

After the Hiring Justification and PDQ have both been completed and returned to you, your next step is to determine how your position should be advertised on the state's applicant tracking system, NEOGOV. You should consider the following:

- Promotional or Open Announcement: Will your vacancy be open only to internal candidates or to the public?
- Number of days to post: Ten is the minimum for all postings but there are advantages to posting longer.
- Job Description: This should not simply be a restatement of the class description. This is your chance to describe to your applicants exactly what this position encompasses. Thorough and specific job descriptions help ensure you attract applicants with the skills and desire to do the job.
- Additional exposure: HRE's Statewide Recruiting Coordinator can be reached at (515) 725-2095. The Coordinator can help you find professional organizations, collegiate resources, or other advertising venues to assist you in advertising your position to the widest audience possible.

Once your decisions have been made, contact your HRA to have your vacancy announcement entered into NEOGOV. Once entered into NEOGOV, the vacancy will be checked against the recall list and HRAs will be notified if there are any recall candidates. The recall candidate with the highest retention point score must be interviewed. Contact your assigned personnel officer if you need assistance calculating the retention point score. If the recall candidate can meet the essential functions of the job, the candidate will be hired.

After the vacancy announcement closes

Once the vacancy closes, you will receive a list of referred candidates. You can now proceed with the screening and interviewing of referred candidates.

Provisional appointment

If you receive less than six referred candidates, the hiring authority may provisionally appoint a person who meets the minimum qualifications for the class to fill the position. Contact your assigned personnel officer for assistance with provisional appointments.

Related administrative rules for this section

11 IAC 53.5(5)	Pay for Interns
11 IAC 54	Recruitment, Application, and Examination
11 IAC 55	Eligible Lists
11 IAC 56	Filling Vacancies
11 IAC 53	Pay

Related resources

[Americans with Disabilities Act-PDS training](#)
[From Interview to Hire: The Successful Search for Talent-PDS training](#)
[Civility Training for Managers and Supervisors - PDS training](#)
[Civility Training for Employees - PDS training](#)
[State of Iowa Jobs Website](#)

Forms referenced in this chapter

552-0564	Acknowledgement of Drivers' License Requirements
552-0562	CDL Supplemental Application
552-0744	Hiring Justification
552-0563	Notice of Conviction for a Violation of a Motor Vehicle Law
552-0162	Personnel Mobility Assignment Agreement
552-0574	Request for Reasonable Accommodation
552-0786	Request for Adaptive Google Software
552-0492	Steps in Filling a Vacancy
552-0647	Temporary Staffing Services Vendor Request
552-0773	Background Check Policy Template
552-0774	Participation Request Form: Non-Competitive Hiring Program for Disabled Veterans
552-0775	Time Tracking Form: Work Experience/Training Program for Disabled Veterans

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

New Employee Orientation

An overview

New employee orientation should begin the first week of the employee's start date. It should include the following:

- Employee orientation packets
 - Packets should be available from agencies' human resources associate, personnel officer, or employee orientation coordinator. The supervisor should ensure a packet is provided to the new employee.
 - New employees should be encouraged to ask questions and to contact the human resources associate, personnel officer, or employee orientation coordinator for more information.
 - The supervisor, human resources associate, personnel officer, or employee orientation coordinator will assist completing the required documents. After the documents are completed, submit the packet for processing.
- Review of the written work rules, policies, and procedures.
- Acknowledgement of receipt of the work rules, policies, and procedures.
- Explanation of procedures for requesting leave and reporting vacancies, including:
 - Who to call when absent or late and by what time.
 - Medical and accident reports required.
 - Lead time required for requesting vacation (annual leave).
 - Forms used to request leave.
- Orientation checklist.
- Emergency procedures.
- Information concerning parking, payday, restrooms, food facilities, security procedures, etc.
- Employees required to operate a motor vehicle as a part of their job must read and sign an Acknowledgment of Driver's License Requirements form (CFN 552-0564) This form explains the driver's license obligations associated with the employee's job.
- Supervisors should ensure that employees who are required to operate a motor vehicle as a part of their job or whose positions require possession of a CDL, must complete and sign the necessary form and acknowledgement CDL Supplemental Application form (CFN 552-0562).

Employee information and checklist

The following is an overview to provide supervisors additional guidance about areas that should be covered during new employee orientation. Agencies deliver diverse services to the citizens of Iowa. There may be specialized information which need only be presented to employees who work for a particular agency or work unit. Some items included on the New Employee Orientation Checklist may not be applicable and other items specific to the agency or work unit may need to be added. The New Employee Orientation Checklist should be customized to fit the agency or work unit's needs. Check with your agency to see if there is a specific form your agency uses. As employees are presented the information, both supervisor or designee and employee need to date the appropriate columns in the checklist. This will create a permanent record of the orientation progress and contacts for questions that may arise.

Questions regarding the appropriateness of information presented during the orientation process should be addressed to the agency's personnel officer.

[Sample New Employee Orientation Checklist](#)

Performance & Development Solutions (PDS)

There are several resources available for managers, supervisors, and employees to increase success on the job. One is Performance & Development Solutions (PDS). PDS provides organizational development, educational, and training courses for all employees to complement their on-the-job training by providing information on principles, procedures, and techniques. Supervisors should discuss and review the PDS services and course offerings, during the orientation process is a great time to discuss and provide employees the opportunity to attend suitable courses.

The [PDS website](#) contains information about PDS programs and services. It also lists scheduled workshop dates offered, course descriptions, and costs.

Additional resources

[Sample New Employee Orientation Checklist](#)

Forms referenced in this chapter

552-0564	Acknowledgement of Drivers' License Requirements
552-0562	CDL Supplemental Application

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Employee personnel files

General information

The following documents should be included in the personnel file of each employee in your department. Other documents may also be included according to individual department policy.

- Performance plans
- Performance evaluations
- Disciplinary correspondence
- Position Description Questionnaires
- Employee-completed forms concerning benefits, etc.
- Documents concerning pay, special pay or pay corrections
- Application
- Offer of hire/transfer/promotion or other job class or position changes
- CDL or driver's license documentation, if required
- Tax withholding forms
- Proof of licensure or education, if required
- Notices of layoff, bumping, recall
- Military orders

In accordance with Iowa Code section 91B.1 and the State of Iowa Employee Handbook, an employee shall have access to and be permitted to obtain a copy of the employee's personnel file. An employee's access to a personnel file is subject to the following:

- The employer and employee shall agree on the time the employee may have access to the employee's personnel file, and a representative of the employer may be present.
- An employee shall not have access to background checks, applicant information or employment references written for the employee.
- An employer may charge a reasonable fee for each page of a copy made by the employer for an employee of an item in the employee's personnel file not to exceed \$5.00. The Code of Iowa defines reasonable fee as an amount equivalent to an amount charged per page for copies made by a commercial copying business.

When an employee transfers, promotes, or demotes from one state department to another state department, the personnel records shall be forwarded to the new department.

Transfer of employee records between departments

11 IAC 4.18 provides for the transfer of personnel records when an employee transfers, promotes, or demotes. The transfer of personnel records is necessary to ensure continuity to the personnel record of an employee and to avoid loss of benefits.

An appointing authority may, for reasons of operational efficiency, choose to maintain a duplicate set of records. However, originals, or copies if originals are not available, of personnel forms and individual performance plans and evaluations must be forwarded to the receiving agency, along with copies of the other documents in the employee's personnel file.

Records should be sent through the mail, not given to the employee for transfer.

Confidentiality of employee information

Overview

As a public employer, the State of Iowa has the duty to keep certain employee information confidential while, at the same time, it must release certain employee information to the public upon request. The following guidelines should be used when determining whether employee information may be released.

House File 291 amended Iowa Code chapter 22, effective February 17, 2017. The information included in this section supersedes prior communications on this topic, including prior versions of this section and memoranda issued by the Iowa Department of Administrative Services (formerly Iowa Department of Personnel) in December 2000, February 2001, July 2001, and May 2011.

Iowa Code chapter 22, known as the Open Records Act, governs the release of information to the public. Iowa Code section 22.2(1) provides that every person shall have the right to examine and copy public records and to publish or otherwise disseminate public records or the information contained therein. The exemptions to the release of information to the public are enumerated in Iowa Code section 22.7(11): "Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies."

Public information

In accordance with Iowa Code section 22.7(11)(a), the following information is considered public information and may be released to the public upon written request:

- The name and compensation of the employee, including any written agreement establishing compensation or any other terms of employment. Compensation means payment or an agreement to pay any money, thing of value, or financial benefit conferred in return for labor and services, plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.
- The dates the individual was employed by the State.
- The positions the individual holds or has held while in employ of the State.
- Educational institutions attended by the employee, including diplomas and degrees earned.
- The names of previous employers, positions previously held, and the dates of previous employment.
- The fact that an employee resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. Demotion means a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.

In accordance with Iowa Code section 22.15, Personnel records — discipline — employee notification, a government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph "a", subparagraph 5), being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee's personnel file as a result of the disciplinary action may become a public record.

Confidential information

The following information is considered confidential and may not be released to the public:

- An employee's home address, gender, and date of birth.

- Individual civil service examination scores.
- Reasons for utilization of sick leave.
- Medical or mental health records.
- Social Security number.
- Financial institution information.
- Payroll deductions, voluntary or mandated.
- Taxable wages (gross wages and other compensation are not confidential).

Responding to public inquiries about employment-related matters

If in doubt as to the agency's responsibility to disclose information sought by the public, seek advice from the agency's legal counsel and/or the attorney general's office.

Requests for information about compensation

Information about an employee's total compensation, hourly rate of pay or annual salary is public information and must be released. This includes any special duty pay, extraordinary duty pay, incentive pay tied to performance, recruitment and retention pay, bonuses and other types of compensation.

Requests for days and hours worked or the use of leave

The following information is public record and subject to release:

- The dates and hours worked.
- The number of hours of accrued vacation or sick leave.
- The dates vacation or sick leave was used.

If payroll and/or personnel documents are requested, the agency must block out confidential information prior to release. Social security numbers cannot be released. Information about why an employee used sick leave is confidential information under section 22.7(11).

Summary

This guidance is not intended to be inclusive of every possible request or situation that may arise. Agencies should seek advice from legal counsel and/or the attorney general's office if questions arise about their obligation to disclose information in response to a public information request.

Related Administrative Rules:

- 11 IAC 4.18 [Agency records](#)
 11 IAC 62.3 [Copies of records](#)

***If you have any questions or need further assistance, please contact
 your assigned DAS-HRE personnel officer***

Pay administration

An employee's pay must be at least at the minimum and not in excess of the maximum of the pay grade for the class to which assigned.

General information

Within-grade increases

Within-grade increases are not automatic, and may be for any amount up to the maximum of the pay grade for the employee's class.

The minimum eligibility period for within-grade pay increases is one year; however, probationary employees and employees who receive an increase in base pay as a result of promotion, reclassification, or pay grade change have a minimum eligibility period of six months following the date of the action.

The increase can be given any time on or after the employee's pay increase eligibility date, and must be accompanied by a current performance rating of at least "meets expectations," which includes all or a part of the 12 months prior to the increase date. Supervisors must provide the agency's HRA with a copy of the employee's performance evaluation.

Pay upon promotion

If an employee is promoted, the employee may be paid at any rate in the pay grade to which the employee's new class is assigned.

Pay upon demotion

An employee who demotes voluntarily or is disciplinarily demoted may be paid at any pay rate in the lower pay grade that does not exceed the employee's pay at the time of demotion.

Pay upon transfer

If an employee transfers under DAS-HRE rules to the same class or different job in the same pay grade and pay plan, the employee shall be paid at the employee's current pay rate. If an employee transfers to a class in the same pay grade in a different pay plan and the employee's current rate of pay exceeds the maximum of the class to which the employee is transferring, the employee shall be paid at the maximum of the pay grade for the new class.

Pay upon reclassification

If an employee's position is reclassified, the employee shall be paid as provided for in the rules on promotion, demotion, or transfer, whichever is applicable.

Pay upon reinstatement

When an employee is reinstated, the employee shall be paid at the minimum of the pay grade unless an advanced appointment rate is requested and approved by DAS-HRE prior to offer. Former employees who retired and applied for retirement benefits under an eligible state retirement system or program are not eligible for reinstatement unless otherwise permitted by law.

Pay upon return from leave

If an employee returns from an authorized leave, the employee shall be paid at the same pay rate as prior to the leave, including any pay increases for which the employee would have been eligible if not on leave.

Pay upon recall

If an employee is recalled, the employee shall be paid at the same pay rate as when laid off or bumped, including any pay increases for which the employee would have been eligible if not on layoff. If recalled to a job class in a lower pay grade, the employee shall be paid at the same pay rate as when laid off or

bumped, except the pay cannot exceed the maximum of the pay grade.

Pay for temporary, seasonal, and internship appointments

When an appointment is made to a class on a temporary, seasonal, or internship basis, the employee may be paid at any rate within the pay grade to which the class is assigned. Temporary, seasonal, and internship employees are not eligible for within-grade increases, and have no rights to promotion, demotion, transfer, reclassification, or reinstatement.

Pay for employees covered by the SPOC collective bargaining agreement

Within-grade increases for SPOC-covered employees are an automatic 3.5%, effective with the employee's eligibility date. Additionally, all employees who received an overall rating of "meets expectations" or "satisfactory" or above on their last performance evaluation, which includes all or a part of the 12 months prior to the increase date, will receive an additional one percent (1%) within-grade increase. For those employees who do not receive an overall rating, they will be considered to have received an overall rating of "meets expectations/satisfactory" if the majority of the ratings on their review are "meets expectations" or "satisfactory." Supervisors must provide the agency's HRA with a copy of the employee's performance evaluation.

The minimum eligibility period for within-grade pay increases is one year; however, probationary employees and employees who receive an increase in base pay as a result of promotion, reclassification, or pay-grade change have a minimum eligibility period of six months following the date of the action.

If an employee is promoted to a SPOC-covered class, the employee shall receive a 3.5% pay increase.

Pay corrections

An employee's pay shall be corrected if it is found to be in error. Please contact your agency's HRA for assistance.

Other pay

To determine whether an employee is in an overtime-eligible job class, refer to the [Interactive Class and Pay Plan](#) which contains a list of all job classes sorted alphabetically. The overtime code for a class can be found in the "Overtime" column. Job classes with an overtime code of "2" are eligible for premium overtime for all hours actually worked over 40 in a pay week, while job classes with an overtime code of "0" are not eligible for overtime pay.

Call Back

If an overtime-eligible employee is required to return to work after the employee's regularly-scheduled shift, the employee must be paid for a minimum of three hours, subject to the following conditions:

- The time worked may not be contiguous to the beginning or the end of the employee's assigned shift.
- Hours actually worked by the employee when called back will be recorded as hours worked on the timesheet. The difference between the hours actually worked and the three hour minimum must be paid to the employee and recorded as call-back hours.
- Call-back hours do not count as standby hours if the employee is in standby status, nor do they count as hours worked for the purpose of determining overtime.

Overtime-exempt employees may receive call-back pay if a request is first submitted in writing and approved by the director of the Iowa Department of Administrative Services (DAS).

Call-back hours for SPOC-covered employees will be in accordance with the terms of the collective bargaining agreement.

Shift differential

Overtime-eligible employees who regularly work hours outside of a traditional day shift are eligible for

shift-differential pay subject to the following conditions:

- Employees must work four or more hours between the hours of 6 p.m. and 6 a.m.
- The shift must be worked for two or more consecutive weeks, or the employee must be regularly assigned to rotate shifts.
- The amount of the shift differential shall be determined by the DAS director and paid in cents per hour.
- There shall be a rate for the 6 p.m. to midnight time period and a higher rate for the midnight to 6 a.m. time period.
- For split shifts, the amount paid is based on the number of hours worked in each shift, with the time period in which the employee works the most hours determining the rate. If the employee works equal amounts in both time periods, the higher rate is paid.
- The shift differential rate shall be in addition to the employee's regular base pay and shall be paid for all hours in pay status.

Shift differential rates are: 6 p.m. to midnight = \$.60/hour, Midnight to 6 a.m. \$.65/hour. Overtime-exempt employees may receive shift differential if written justification is submitted and approved by the DAS director. Shift differential pay for SPOC-covered employees will be in accordance with the terms of the collective bargaining agreement.

Standby

If an overtime-eligible employee is directed by the appointing authority to be on standby after the end of the employee's scheduled shift, the employee will receive standby pay, subject to the following conditions:

- The employee must be paid ten percent of the hourly rate of pay for each hour in standby status with a minimum of one hour of standby pay.
- The employee must be compensated for all hours they are required to be available and must remain able to report for work during off-duty hours.
- Time spent actually working or receiving call-back pay is not counted in determining standby hours.
- Standby hours do not count as hours worked for the purpose of determining overtime.

Overtime-exempt employees may receive standby pay if written justification is submitted and approved by the DAS director.

Standby compensation for SPOC-covered employees shall be in accordance with the terms of the collective bargaining agreement.

Overtime and compensatory time

Overtime

Under the federal Fair Labor Standards Act (FLSA), overtime must be paid to all eligible employees for hours worked in excess of 40 hours* actually worked in a workweek. It cannot be waived by the employee.

FLSA-covered employees (those whose job class has been coded as a "2" in the Overtime column in the [Interactive Class and Pay Plan](#)) are entitled to be compensated at a "premium" rate (one and one half hours of pay at the employee's regular hourly wage) for every hour of overtime worked.

FLSA-exempt employees (those whose job class has been coded as a "0" in the Overtime column of the Interactive Class and Pay Plan) are not eligible for any type of overtime compensation.

* Some job classes may be compensated in accordance with the FLSA in a time period other than 40 hours/week.

Compensatory time

FLSA allows public employers to pay overtime earned in "compensatory time" (time off instead of cash).

For overtime-eligible employees, compensatory time is subject to the following conditions:

- The decision to receive cash or compensatory time must be made by the employee, except the agency can require the overtime be paid in cash.
- The employee may carry a balance of up to 80 hours of compensatory time. Overtime must be paid as cash once an employee has reached the maximum balance of 80 hours.
- Compensatory time may be paid to the employee at any time at the agency's discretion. Compensatory time remaining at the end of the fiscal year will be carried over to the next fiscal year.
- Compensatory time must be paid to the employee when an employee separates, transfers to another agency, or moves to a job class with a different overtime code.

Compensatory time for SPOC-covered employees shall be in accordance with the terms of the collective bargaining agreement.

Special pay

Pay options are available for agencies to compensate employees for special work situations.

Blanket advanced appointment rate

Blanket advanced appointment rates may be considered on a case-by-case basis in situations where there is a documented scarcity of applicants that make employment at the minimum pay rate for a job class unlikely. If approved, all current employees and new or promoted employees under the same conditions and in the same job class shall be paid the higher rate. If a situation exists as described above, the agency should consult with your assigned DAS personnel officer.

Higher rank allowance for SPOC contract-covered employees

An employee covered by the SPOC bargaining agreement, who is functioning as an acting supervisor, shall be granted an additional ten percent (10%) hourly increase for all hours spent as acting supervisor.

Conservation officers assigned lead worker responsibilities will receive an additional five percent (5%) of their base rate of pay.

Requests for higher rank allowance will only be approved for a period of up to one year. Additional requests for extensions may be submitted.

Increased credentials

Employees are eligible to receive pay for increased credentials. The employee must successfully complete a course of study, a certificate program, or any educational program directly related to the employee's current employment, subject to the following conditions:

- A Special Pay/Appointment Action form ([CFN 552-0125](#)) with a written explanation providing the reason for the request must be submitted to your assigned DAS personnel officer for review and approval.
- Increases must be a percentage of the employee's base pay.
- The employee's total pay may not exceed the maximum pay rate for his or her job class.
- Pay for increased credentials is granted at the discretion of the appointing authority and will not affect an employee's pay increase eligibility date.

Individual advanced appointment rate

The advanced appointment rate must be approved by DAS-HRE in advance of the offer of employment to the employee.

New hires are usually paid at the minimum pay rate for the job class to which hired. For new hires or reinstatements of employees, an agency may request an advanced appointment rate for an applicant who

possesses qualifications in excess of the minimum required for the job class.

When considering whether an advanced appointment rate is appropriate, the hiring agency should discuss the proposed rate of pay with your assigned DAS personnel officer *prior* to making an offer, keeping in mind the following:

- Advanced appointment rates should be the exception and not the rule. All new hires and reinstatements should be offered the starting salary for the position unless there are extenuating circumstances. This could include a lack of qualified applicants, unique skills necessary to perform the work, or similar business case criteria.
- All new hires and reinstated employees that start at a rate of pay above the minimum of the job class to which appointed require a Special Pay/Appointment Action form ([CFN 552-0125](#)).
- Advanced appointment rates are based on education and/or experience that is directly related to the duties required of the position when compared to the minimum qualifications.

When considering an appropriate rate of pay for an advanced appointment, agencies should use the following guideline: Five percent (5%) may be granted for every year of additional qualifying experience or education beyond the minimum qualifications.

Lead worker pay

A non-supervisory employee may be eligible for lead worker pay when assigned limited responsibility over others. Lead worker pay may be up to an additional fifteen percent (15%) of the employee's base pay. Lead worker pay for SPOC-covered employees shall be in accordance with the terms of the collective bargaining agreement. Lead worker pay may exceed the maximum pay rate for the job class. Lead worker pay can be requested for up to one year. Extensions of lead worker pay may be requested if the position continues to perform lead work duties. Lead worker pay may be removed from a position prior to the expiration date if the lead work duties are removed from the position.

Lead worker duties include the following:

- Maintaining attendance records.
- Distributing work assignments and balancing the workload.
- Reviewing work for accuracy according to established criteria.
- Answering technical questions or serving as a technical expert in the work unit.
- Orienting, training, and instructing employees in the work unit.
- Providing input on hiring or discipline decisions.
- Providing input on performance evaluations.
- Making emergency decisions when the supervisor is not present.
- Reporting employee infractions to the supervisor.

Lead worker pay may be appropriate when:

- The supervisor often works away from the work unit.
- Employees work in different physical locations from the supervisor.
- The unit needs a technical lead person.

Lead worker pay is not appropriate when:

- The lead worker concept is built into the job class or class series concept.
- The job class concept is a program manager or project leader.

On receipt of a within-grade or across-the-board pay increase, lead worker pay must be recalculated using the employee's new base pay.

Red-circling

If the pay of an employee exceeds the maximum pay rate of the class to which assigned, the employee's

pay may be maintained (red-circled) above the maximum for up to one year, subject to the following conditions:

- A request to change the time period or the red-circled rate must first be submitted to and approved by the DAS director.
- If a change request is approved, the agency must notify the employee in writing of any changes in the time period and the pay.
- If an employee's classification changes or if the employee transfers to a different agency, a request to rescind the red-circling rate may be submitted by the appointing authority to the DAS director for approval.

The SPOC collective bargaining agreement provides for red-circling when an employee transfers to a different job class and the employee's salary exceeds the maximum of the pay grade for your assigned job class. In this circumstance, the salary of the employee will be red-circled for a period not to exceed two (2) years. When the red-circle pay ends, the employee's salary will be set at the top of the range to which the employee's job class is assigned.

Special pay types requiring DOM and DAS approval

The following types of special pay may be use on a limited basis. Requests to grant these types of special pay must be submitted to the Department of Management (DOM) for approval. If approved, departments must submit a copy of the DOM approval and the Special Pay/Appointment Action form ([CFN 552-0125](#)) to the DAS personnel officer.

- **Change of duty station**

If an employee is promoted, reassigned, or voluntarily demoted at the convenience of the appointing authority and a change in duty station beyond 25 miles is required, the employee may receive a one-time pay increase of up to an additional five percent (5%). The resulting pay may exceed the maximum pay for the class to which assigned. Subsequent changes in duty station may result in the additional pay being removed.

- **Discretionary payments**

A one-time, lump sum payment for exceptional job performance may be given to an employee.

- **Extraordinary duty**

An employee, or class of employees temporarily assigned higher-level duties (including supervisory duties) may be given additional pay, subject to approval by the DAS director.

- **Recruitment/retention payments**

A payment to a new hire or a current employee may be made for recruitment or retention reasons. As a condition of receiving recruitment or retention pay, the recipient must sign an agreement to continue employment with the appointing authority for a period of time following receipt of the payment that is deemed by the appointing authority to be commensurate with the amount of the payment. If the recipient is terminated for cause or voluntarily leaves state employment, the recipient will be required to repay the appointing authority for the proportionate amount of the payment for the time remaining, and it will be recouped from the final paycheck. When the recipient changes employment to another state agency, then a repayment schedule must be approved. Recoupment will be coordinated with DAS-SAE to ensure a proper reporting of taxes.

- **Special duty**

An employee who is temporarily assigned to a vacant position in a job class with a higher pay grade may be given additional pay equivalent to the amount provided for by applicable pay rules for promotion to the job class. Requests for special duty pay will only be approved for a period of up to one year. Additional requests for extensions may be submitted.

Document processing

Special pay must be approved by DAS-HRE (and DOM, if applicable) prior to making an offer to an employee or applicant.

A Special Pay/Appointment Action form ([CFN 552-0125](#)) must be completed in order for an employee to receive any of the special pays identified in this section. The following information is necessary for document processing:

- Type of action requested and whether it is an original or an extension of an earlier request.
- Employee's name, department, current 18-digit payroll/position number, class code, and class title.
- Amount of the additional pay; this must be divisible by 80 (percentage and calculated dollar amount).
- Effective date, requested number of pay periods, and expiration date. The expiration date cannot exceed one year beyond the effective date of the action.
- Written justification describing the reasons for the special pay. For the advanced appointment rate, the written justification must describe the reason(s) for the request and explain how the specific education and/or experience exceeds the minimum qualification requirements.

Submit the Special Pay/Appointment Action form to your assigned DAS personnel officer for review. The personnel officer will review the form and will notify the agency if there are questions and whether the request is approved. A copy of the approved Special Pay/Appointment Action form should be maintained in the employee's personnel file.

Related administrative rules

11 IAC 53 [Pay](#)
11 IAC 59 [Promotion, Transfer, Temporary Assignment, Reassignment and Voluntary Demotion](#)

Forms referenced in this section

552-0125 [Special Pay/Appointment Action](#)
552-0109 [Signature Authorization Form | PDF](#)
552-0707 [Agreement for Recouping Education Payments](#)

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

Benefits Administration

Types of leave

State employees may be eligible for a variety of types of leave either with or without pay. The option for management to approve or deny a leave request can be impacted by the type of leave being requested and if the leave is covered by federal or state legal protections. The following are all types of leave for which an employee may be qualified:

Vacation

Non-temporary full- and part-time employees are eligible to accrue vacation. Vacation leave is accrued on a per-pay-period basis and must be accrued before it may be taken. Permanent part-time employees accrue vacation in an amount proportionate to that accrued under full-time employment. Vacation leave cannot be used until the pay period following when it was earned, and employees may not take vacation in excess of the balance of vacation hours accrued. Vacation leave may run concurrently with FMLA leave. Employees are eligible to retain up to two weeks (80 hours) of vacation leave while on FMLA. A manager may deny a vacation request if it conflicts with the operational needs of the agency, unless it is covered by FMLA.

Sick leave

Non-temporary full- and part-time employees are eligible to accrue sick leave. Sick leave is accrued on a per-pay-period basis and must be accrued before it may be taken. Permanent part-time employees accrue sick leave in an amount proportionate to that accrued under full-time employment. Sick leave may be used for medically-related disabilities, personal illness, and personal medical and dental appointments. Up to 40 hours of sick leave per fiscal year may also be used for a death in the immediate family and for the care and necessary attention to members of the immediate family. Management may require an employee to provide a doctor's note for sick leave related to an employee illness if the leave is not FMLA-protected.

Holidays

Employees who accrue vacation and sick leave are entitled to two (2) unscheduled holidays and nine (9) fixed holidays. The two unscheduled holidays are added to the employee's vacation accrual.

Leave without pay

Management has the option to approve leave without pay. Leave without pay may be granted for any reason deemed necessary by management. When requested, leave without pay shall be approved for an employee who requests sick leave to recover from a medically-related disability for up to an eight week period. See below for more information. When an employee returns to work from a leave without pay, it is the responsibility of the supervisor to notify the agency's HRA.

Eight-week leave from a medically related disability

Iowa Administrative Code chapter 63.5(4) allows for an eight-week period of sick leave (paid or unpaid) to recover from a medically related disability. Per the rule, this request must be in writing and must have verification from the requestor's medical provider. (See [charts](#) for leave determination process for FMLA-eligible and non-eligible employees.)

Important points to note include:

- Use of leave under this provision is provided for a one-time, continuous leave event per fiscal year (FY). If the eight-week period crosses fiscal years, the leave will count for the FY during which the leave was originally granted.

- Unpaid FMLA leave will run concurrently with leave per 11 IAC 63.5(5), regardless whether the employee provides a separate request.
- An approved FMLA Certification may constitute sufficient written request for the eight-week medically related disability recovery period, but must be verified by the employee's medical provider for leave requested beyond the 12-week period of FMLA leave.
- Valid written requests for leave under 63.5(4) include email messages, notes, requests through the agency's leave tracking system, etc. Following up with one of the sample letters in the "Additional resources" list below is advised.
- If leave is granted, the manager should send notice to the employee using the [sample letter](#) provided here. It is at the appointing authority's discretion to grant leave without pay beyond the eight-week period. It is advisable to begin the interactive process with the employee regarding reasonable accommodation and additional leave when a request for an extension is received.
- Please contact your DAS-HRE Personnel Officer for additional information/clarification on this rule.

Compensatory leave

Overtime eligible employees may request to use compensatory time accrued for compensatory leave.

Compensatory leave shall be granted whenever possible. Management may deny a request for compensatory leave if granting the leave would cause an undue disruption.

Military leave

Non-temporary employees ordered to military service are eligible for up to 30 days of leave during each calendar year. Employees ordered to military service also have options available regarding use of other paid leave types and continuation of benefits. Refer employees going on Military Leave to their HRA or the DAS benefits team to answer any questions.

Educational leave

Non-temporary employees may be granted educational leave by management for the purpose of assisting employees to develop skills to improve their ability to perform their present job responsibilities.

Educational leave may be paid or unpaid and may cover a full or partial absence from work.

The purpose of education leave with full or partial pay and education assistance is to assist state employees to develop skills that will improve their ability to perform state job responsibilities. Education assistance includes reimbursement for tuition, fees, and related expenses. An employee expressing interest in this benefit should be directed to your HRA for information and the application form. An employee must complete and submit the form to the employee's supervisor, who then submits the form to your agency's training representative.

Election leave

Employees are eligible to take time off to run for and serve in partisan elected office.

The employee may use accrued vacation, accrued compensatory leave, or leave without pay.

Jury duty/court appearance leave

Employees appearing in court as a juror or a witness are entitled to time off with regular compensation when directed to appear by the appropriate authority. If the employee is a party to the court proceeding they are not provided jury duty/court appearance leave reimbursements from the court for the employee's service (not including reimbursement for travel and personnel expenses) must be paid to the state in

order to be eligible for this leave. Employees may be required to return to work if not needed by the court if there will be at least two hours remaining in the workday after necessary travel time.

Voting leave

Employees may be eligible for up to three hours of leave to vote in a public election if the employee's scheduled work hours do not allow a period of three consecutive hours during which the voting polls are open. Requests for voting leave must be made prior to or during the employee's last scheduled shift prior to election day. The time to be taken off for the leave is directed by management.

Family and Medical Leave (FMLA)

[FMLA leave](#) is a federal law which allows employees who qualify to take time off for qualifying events. FMLA runs concurrently with sick, vacation, unpaid or family leave. Leave that may qualify for FMLA includes: leave for birth, adoption, or foster care placement; serious health conditions of the employee or immediate family members; and caregiving to military service members with a serious illness or injury. Consult the [FMLA decision tree](#) to determine if a leave should be reviewed for FMLA coverage.

Donated leave

Employees who have exhausted all paid leave and experience a catastrophic illness or injury to themselves or an immediate family member (resulting in the inability to work for 30 days or more) may be eligible to receive leave donations. Contact your HRA for more information on catastrophic leave donations.

Disaster service volunteer leave

With the approval of the appointing authority, an employee who is a certified disaster service volunteer of the American Red Cross may be granted leave to participate in disaster relief services related to a disaster in the State of Iowa.

Examination and interviewing leave

Employees may be granted vacation, compensatory leave, or leave without pay to take examinations or be granted paid work time to attend interviews within the agencies. The agency may limit the paid work time for interviews to a local office if the agency has statewide operations.

Bone marrow and organ donation

Employees donating bone marrow or an organ must be granted paid leave.

Other benefits

Sick Leave Insurance Program (SLIP)

The [Sick Leave Insurance Program](#) offers retirement-eligible employees an option to use all or part of their unused sick leave balance to pay the State share of their group health insurance premiums after they retire until they become eligible for Medicare (usually at age 65.) The value of the retirement-eligible employees' converted sick leave balance must be greater than \$2,000 PLUS the cost of at least one month of the State share of the employee's group health insurance premium.

A SLIP retiree may not return to permanent State employment while receiving SLIP benefits. A SLIP retiree may seek reemployment once SLIP benefits cease, either by depletion of funds or by waiver of current and future benefits. If you have an employee that asks for information about SLIP, refer the employee to your HRA or DAS-HRE retiree insurance expert.

Worker's compensation

Employees who are injured in the course of and arising out of their employment may be eligible for [worker's compensation](#). These benefits may include:

- Payment of wage replacement benefits beginning the fourth day off work (excluding the day of injury).
- Payment of medical bills.

In addition, state employees have the option to supplement their temporary disability benefits with sick leave, vacation, or compensatory time. Your HRA can assist the employee in supplementing the workers' compensation benefits with leave.

If an employee is injured at work or on work premises (parking lots, etc), you should:

1. Attend to the employee's immediate medical needs;
2. Make sure the injury is reported within 24 hours to the State's third party administrator, Sedgwick via an online First Report of Injury by the HRA or by calling Sedgwick at 515-327-4880;
3. If the injury was caused by an unsafe condition, report the condition to the appropriate authority for repair/replacement;
4. Supply any requested information to Sedgwick; and
5. Assess the possibility of offering restricted duty work assignments to an employee as they recover from the injury.

Health insurance

Full-time and part-time employees working at least 20 hours per week are eligible to participate in [health insurance benefits](#). Employees may enroll in a single or family coverage plan within the first 30 calendar days following employment.

Additionally employees have 30 days (60 days in the case of a birth) to make a change to their health enrollment if they have a life event, such as:

- A change in legal marital status;
- A change in the number of dependents;
- A change in their employment status;
- Their spouse or dependent has a change in their employment status;
- Their dependent has a change in his or her eligibility status;
- They, their spouse or dependent has a change in residence;
- They, their spouse or dependent becomes entitled to Medicare or Medicaid;
- They are served with a judgment, order or decree;
- There is a change in cost by the dependent care provider.

The annual Enrollment and Change period is a 30-day period normally beginning in October, with changes in coverage effective January 1. This is the one time of the year when employees can enroll in a health plan, select a different carrier, or change who is covered on their health plan without experiencing a qualified life event described above.

Dental insurance

Full-time and part-time employees working at least 20 hours per week are eligible to participate in [dental insurance benefits](#). Employees may enroll in a single or family coverage plan within the first 30 calendar days following employment.

Additionally employees have 30 days (60 days in the case of a birth) to make a change to their dental enrollment if they have a life event including the below:

- They have a change in legal marital status.
- They have a change in their number of dependents.
- They have a change in their employment status.

- Their spouse or dependent has a change in their employment status.
- Their dependent has a change in his or her eligibility status.
- They, their spouse or dependent has a change in residence.
- They, their spouse or dependent becomes entitled to Medicare or Medicaid.
- They are served with a judgment, order or decree.

Unlike health insurance, there is not always an annual enrollment and change period for the dental program. Employee benefit elections and coverage will remain in effect until they experience a qualified life event or if an enrollment and change period is offered.

COBRA

Employees, their spouse, or dependents have an option to continue group dental benefit coverage beyond the period their coverage would normally end in certain situations including:

- Employee's loss of employment
- Reduction of work hours to a level no longer eligible for benefits
- Divorce
- Death of an employee
- Dependent reaches the maximum age for group coverage.

Refer employees to your HRA for assistance in enrolling or changing their benefits elections.

Life insurance

Full-time employees working at least 30 hours per week are eligible to participate in [life insurance benefits](#). Upon the death of an eligible employee, the beneficiary (or beneficiaries) must complete a beneficiary statement and send a certified copy of the death certificate to the department's HRA. The HRA will complete the employer's section of the claim form, attach life enrollment documentation and the most recent beneficiary designation, and forward the entire claim to DAS-HRE for processing. For further information, contact your department's HRA.

Long Term Disability insurance

Full-time employees working at least 30 hours per week are eligible to participate in [long term disability insurance benefits](#). Claims need to be filed as soon as an employee has ceased active work due to an illness or injury. All LTD forms are supplied by your department's HRA. The employee's physician must complete the "Attending Physician's Statement" and the employee must complete the employee's portion of the LTD claim. Both forms should be returned to the HRA when complete. For more information, contact your department's HRA.

Deferred compensation

The State offers a supplemental retirement program to full-time and part-time employees who are scheduled to work at least 20 hours a week. The program is called the [Retirement Investors' Club \(RIC\)](#) and is in addition to the mandatory retirement benefits offered to state employees. Employees who participate receive a match from the State of up to \$75 a month. Employees may enroll or make changes at any time. Employees with questions about the program or wanting to enroll should be directed to your HRA or to the [RIC staff](#).

Pre-tax premium conversion

The pre-tax premium conversion benefit allows employees to lower their taxable income and pay premiums for health, dental, and supplemental life insurance with pretax dollars. This benefit reduces an employee's taxable income for federal and state income taxes and for FICA, but does not reduce income for the State's mandatory retirement plans (IPERS, POR, and Judicial Retirement). Employees with questions about this benefit should be directed to your HRA or to [DAS-HRE](#).

Flexible spending accounts

Full-time and part-time employees who work at least 1,040 hours per calendar year are eligible to participate

in the [Flexible Spending Account \(FSA\) Program](#). This program allows employees to lower their taxable income and receive reimbursements for health and dependent care eligible claims with pretax dollars. Employees may enroll in one or both FSA plans within the first 30 calendar days following employment. Additionally employees have 30 days to make a change to their enrollment if they have a life event including the below:

- They have a change in legal marital status.
- They have a change in their number of eligible dependents.
- Their spouse or dependent has a change in their employment status.
- They are served with a judgment, order or decree.
- There is a change in cost by the dependent care provider.

The annual enrollment and change period is a 30-day period normally beginning in October, with changes in coverage effective January 1. Employees wishing to participate must enroll each year.

Employees with questions about this benefit should be directed to your HRA, to [DAS-HRE](#), or to the State's third party administrator, ASI (800) 659-3035.

Donated leave

Employees may donate vacation or receive donated vacation for catastrophic illnesses of the employee. A catastrophic illness is a physical or mental illness, as certified by a physician, that results in the inability of the employee to work for more than 30 work days on a consecutive or intermittent basis.

To be eligible, an employee must:

- Be eligible to accrue vacation;
- Have exhausted all paid leave;
- Not supplement worker's compensation to the extent the employee receives more than 100% of pay;
- Not be receiving long-term disability;
- Be approved for and using or have exhausted FMLA; and
- Be on approved leave without pay for medical reasons.

Employees with questions about donated leave should be directed to your HRA.

Donated leave for immediate family members

Employees may donate vacation or receive donated vacation for catastrophic illnesses of an employee's immediate family member. A catastrophic illness is a physical or mental illness, as certified by a physician, which results in the inability of the employee to work for more than 30 work days on a consecutive or intermittent basis due to the need to attend an immediate family member.

To be eligible, an employee must:

- Be eligible to accrue vacation;
- Have exhausted all paid leave;
- Be approved for and using or have exhausted FMLA; and
- Be on approved leave without pay for medical reasons of an immediate family member.

Employees with questions about donated leave should be directed to your HRA.

Related administrative rules

11 IAC 64 [Benefits](#)

Additional resources

[Eight-Week Recovery Leave When Employee Does Not Qualify for FMLA \(sample letter\)](#)

[Eight-Week Recovery Leave Approval Notice \(sample letter\)](#)

[Eight-Week Recovery Leave When FMLA is Exhausted \(sample letter\)](#)

[FMLA Policy](#)

[FMLA Procedure](#)
[FMLA FAQs](#)
[Overview for Employers - Leave Management through Reed Group](#)
[LeavePro User Guide](#)
[Military Leave and Military Pay Differential](#)
[Workers' Compensation Provider List](#)

Forms referenced in this section

552-0707 [Agreement for Recouping Education Payments](#)
552-0304 [Education Leave and/or Education Financial Assistance Application](#)

DONATED LEAVE

552-0611 [Donated Leave for Catastrophic Illness Application](#)
552-0612 [Donated Leave for Catastrophic Illness Contribution](#)
552-0620 [Donated Leave for Catastrophic Illness Request](#)
552-0628 [Donated Leave for Catastrophic Illness Tracking](#)
552-0639 [Donated Leave for Catastrophic Illness Immediate Family Member Application](#)
552-0640 [Donated Leave for Catastrophic Illness Immediate Family Member Contribution](#)
552-0641 [Donated Leave for Catastrophic Illness Immediate Family Member Request](#)
552-0642 [Donated Leave for Catastrophic Illness Immediate Family Member Tracking](#)

FAMILY AND MEDICAL LEAVE ACT (FMLA)

[Employee Rights and Responsibilities under the Family and Medical Leave Act](#)
552-0731 [FMLA Return to Work Certification](#)
552-0649 [Leave Retention](#)

FAMILY AND MEDICAL LEAVE ACT (FMLA)

(For use by Community Based Corrections, Judicial Branch, and State Fair employees only)

552-0755 [Certification of Health Care Provider for Employee's Serious Health Condition](#)
WH-380F [Certification of Health Care Provider for Family Member's Serious Health Condition](#)
552-0599 [FMLA Application & Intent to Return to Work](#)
552-0762 [FMLA Designation Notice](#)
552-0730 [Notice of Eligibility and Rights & Responsibilities](#)

MILITARY LEAVE FORMS

(For use by Community Based Corrections, Judicial Branch, and State Fair Employees only)

WH-385 [Certification for Serious Injury or Illness of Covered Servicemember](#)
WH-385V [Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#)
WH-384 [Certification of Qualifying Exigency for Military Family Leave](#)
552-0725 [Servicemember Family Leave Tracking](#)

SICK LEAVE INSURANCE PROGRAM (SLIP)

552-0713 [Sick Leave Insurance Program Enrollment Form](#)
[SLIP Calculation Estimate](#)
552-0442 [Application for the Retired/Disabled Health and Dental Insurance Group](#)
552-0766 [SLIP Checklist for POs](#)
552-0719 [SLIP Retiree Rehire Authorization](#)

WORKERS COMPENSATION

552-0568 [Workers' Compensation Benefit Election](#)
552-0679 [Workers' Compensation Wage Statement](#)
552-0680 [Workers' Compensation Travel Reimbursement Request](#)
[Workers' Compensation First Report of Injury or Illness](#)
552-0780 [Alternative Duty Assignment](#)

Performance planning and evaluation

Clarity of performance expectations and constructive feedback are keys to enhancing successful performance on the job. These two concepts make up the basic philosophy of the State of Iowa performance planning and evaluation process. Performance planning is an ongoing process. While the Iowa Administrative Code requires that each employee receives a performance evaluation every 12 months, it is important for managers and supervisors to coach and mentor employees throughout the year providing consistent feedback. The Position Description Questionnaire (PDQ) provides the basis for determining the expectations for the position being evaluated.

Developing performance expectations

There are two parts to developing performance expectations for employees: clarity of performance expectations and constructive feedback.

Clarity of performance expectations includes the following components:

- Focus on the most critical parts of the job
- Look to results oriented expectations
- Connect the agency's mission to the employee's contribution to achieving it
- Describe performance expectations succinctly and concretely
- Set achievable expectations
- Ask for employee input when applicable

Constructive feedback includes the following components:

- Timeliness - both in relation to specific accomplishments or problems and in relation to the overall evaluation period
- Objective: based on concrete results and observations - non-judgmental
- Formal and informal - written performance evaluations and coaching and mentoring
- Solution/enhancement oriented - where problems have been evident, focuses on how to avoid in the future. Where performance has been exceptional, focuses on how to leverage this achievement to future performance as well as career development for the employee.
- Two-way communication - the supervisor clarifies expectations and assesses performance for the employee and then listens to the employee's view of performance achievement and future needs and goals

The purpose of performance evaluations

The performance evaluation serves many purposes. Most important, it provides a formal opportunity for the supervisor and the employee to meet and communicate. During the meeting, the supervisor will provide feedback on how well the employee is performing based on the goals and anticipated results listed on the Individual Performance Plan and Evaluation (IPPE). The responsibilities and the tasks detailed on PDQ serve as the foundation for the IPPE.

A performance evaluation can also accomplish the following:

- Recognize and document the employee's strengths and achievements
- Reinforce positive performance
- Identify areas where performance improvement is needed
- Identify career and individual development needs
- Document poor performance that may lead to corrective action

- Facilitate employee accountability for their performance
- Give the employee an opportunity to comment on his or her job performance
- Help the employee assume accountability for the job and his or her performance
- Establish customer-focused service as it relates to the mission of the agency and to the public
- Provide the basis for determining pay increases

Considering probationary employees

Although performance evaluation during the probationary period is not required by administrative rule, probationary employees need more frequent and specific feedback on their performance during their first six months in the job. To promote a successful probationary period, probationary employees should receive an individual performance plan on or shortly after their first day on the job. They should receive periodic informal feedback throughout the probationary period, culminating in a formal evaluation prior to becoming permanent.

The Performance Planning and Evaluation website

The [Performance Planning and Evaluation website](#) contains information to complete an employee's individual performance plan and evaluation. The first part of the State of Iowa Performance Planning and Evaluation system, the individual performance plan, should be prepared for each state employee as the new evaluation period begins. The second half, the Evaluation, is to be completed at the end of the evaluation period.

Performance Planning and Evaluation website contents

- Individual performance plan evaluation - this file is a Word template. To function properly as a template, it should be saved to the user's computer.
- Instructions for completing the State of Iowa individual performance plan and evaluation
- The individual performance plan - further information.
- The evaluation - further information
- The individual development plan - further information
- Example of individual performance plan - Administrative Support position
- Example of individual performance plan - Supervisory position
- Example of individual performance plan - Bureau Chief
- Example of individual performance plan - Scientist
- Example of individual performance plan - Forester
- Special projects example
- Frequently asked questions

Related administrative rules

11 IAC 62 [Performance Review](#)

Additional resources

[Performance Evaluation PDS Training](#)

Forms referenced in this section

552-0674 [Performance Plan and Evaluation for Employees](#)

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

Employee problems - discussion and referral

Introduction

Dealing with employee problems is one of the most challenging jobs of the supervisor. Sometimes these issues are very clear and the action required is evident (i.e., disciplinary action for a blatant infraction). Other times the issues are more complex, particularly when personal problems seem to be having an impact on work performance or when an employee's previously satisfactory performance deteriorates.

The Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential assessment, referral, and short-term counseling service for employees experiencing personal problems that may affect job performance. Consultation services from the EAP are also available to supervisors for assistance in dealing with employee problems. For information, please go to the [EAP program website](#). The EAP is a voluntary service. Supervisors may recommend employees seek help. Supervisors may not mandate use of the EAP nor take disciplinary action for non-attendance at the EAP. The Executive Branch Policy can be found at:

<https://das.iowa.gov/media/4725/download?inline>

Having a discussion with the problem employee

When an employee has a problem he/she wishes to discuss with you, consider the following steps to help with the discussion:

- Recognize the employee's need to discuss the problem and schedule a meeting with the employee as soon as possible. Be sure to choose a quiet and private location for this conference.
- Have the employee state the problem. Be a good listener and try not to give advice. Be sure you understand what the problem is from the employee's perspective. Do not try to solve the problem for the employee. Brainstorm and evaluate possible solutions together.
- There are some problems that employees will want to discuss that are not work-related but are personal, such as family problems. In those cases, simply be a good listener and remind the employee of the EAP.
- If it is a problem you cannot help with, let the employee know and suggest that he/she call the EAP for outside assistance.
- Even if the problem was solved in one meeting, have a follow-up discussion with the employee. Check the employee's progress or determine if the employee is no longer interested in pursuing the issue. If there is a performance-related issue and the employee has failed to show improvement, continued assistance will be necessary.
- If the problem involves another employee, it is best to discuss the problem all together, if possible.
- Monitor the employee's progress in dealing with the work-related problem(s). Acknowledge efforts made by the employee. Meet with the employee periodically to discuss progress or lack of it. If the employee fails to fulfill the agreed upon corrective action(s) (i.e., job performance or behavior does not improve), further action may need to be considered.

EAP and discipline

When work performance or behavior problems have progressed beyond the coaching and counseling stage, and disciplinary action is indicated, EAP may still be a useful method to assist in resolving the problem. Supervisors may NOT mandate attendance at EAP, but may utilize a supervisory referral process. Per the EAP policy, discipline and the EAP are separate tools. However, in attempting to solve work-related problems, at management's discretion, discipline may be held in abeyance pending the outcome of an EAP evaluation. The appropriate discipline for the offense needs to be decided, and at management's discretion may be held or set aside until the employee has an opportunity to resolve the problem. The discipline then may be modified by a successful outcome and subsequent return to satisfactory job performance. Individual circumstances will determine whether the EAP can be of assistance in solving the problem. Your personnel officer can assist in making that determination and in outlining timeframes, etc. The EAP

consultation services may also be used to help in deciding how best to assist an employee in solving work-related problems.

The supervisory referral process

- Document information about the problem.
- Consult with your personnel officer.
- Call the EAP for a supervisory consultation.
- Decide the appropriate discipline. Consider if the EAP is appropriate to the situation.
- Meet with the employee regarding work performance issues. If a referral to the EAP is an appropriate option, discuss the discipline for the offense (have the disciplinary letter ready) and the alternative of holding the discipline in abeyance while the employee seeks help from the EAP in solving the problem. Remind the employee of the need to sign a "Release of Information" form so that attendance records can be obtained. Additional information may also be released if necessary and agreed to by the employee.
- Be sure to include time limits regarding when the employee is to contact the EAP and when you will review the work situation.
- Call the EAP and give them the name of the person being referred. Give them background information and discuss your expectations and what you want from the EAP.
- At the previously agreed upon time, meet again with the employee to review the work situation. Depending on the situation and the employee's progress, at this point you may drop, proceed or modify the discipline.
- If the employee has refused to seek assistance and/or work performance has not improved, you should proceed with the discipline for the original offense. If things have improved, there may be no need for discipline. If the offense was of such a serious nature that, even though things have improved, discipline is still necessary, you may consider reducing the discipline. Consult with your personnel officer for assistance in making this determination.

If the impact on the workplace is significant

There are instances when employee problems in the workplace significantly impact an employee's ability to perform his/her job. These issues are difficult to manage and require a case-by-case approach. The employer has a right and a responsibility to maintain a safe, productive workplace. The problem employee also has a right to be treated fairly and equitably in these situations, and to have his/her confidentiality rights protected. If the employer has well-documented reasons to question the employee's ability to perform the duties of the job, the employer has a right to require the employee to provide information about that ability. In situations where health and safety of the employee or others in the workplace may be in jeopardy, a supervisor may require information about the employee's ability to function safely in the workplace. In these instances, the employer may require the employee to seek an evaluation from an appropriate professional as to the employee's fitness for duty. When the employer requires such an evaluation, any costs not covered by the employee's health insurance are the responsibility of the employer.

Generally, these issues fall into one of four categories:

Physical Impairment

When an employee is physically unable to perform the full range of duties of his/her job, the supervisor should ask the employee to see a physician (either the employee's or one of management's choosing) for an evaluation of the problem. The supervisor should write a letter to the physician stating the reason for the request for evaluation, providing a copy of the employee's job description and requirements and asking the physician if the employee can physically perform these duties, whether there are any restrictions, and for how long these restrictions would apply. The supervisor and management then need to decide how to deal with the individual situation, making reasonable accommodations where possible.

Psychological Impairment

When an employee is unable to perform the duties of his/her job and/or is exhibiting bizarre or unacceptable behavior, the supervisor can ask the employee to see a physician, psychiatrist, or psychologist for an evaluation of the ability to do their job. You must have very good, objective, documentation of the reasons for asking an employee to seek an evaluation. Corroborating witnesses are helpful. To help you in deciding whether a psychological evaluation is indicated and how to deal with the employee, a management consultation with EAP can be most helpful. Generally, some signs of the need for psychological evaluation are extreme mood swings, violent outbursts, threats to others, inability to attend to tasks, consistently not getting work done, behavior that is clearly not usual and consistent with your work environment.

When you are dealing with one of these situations, and have coached and counseled the employee to help make changes in their behavior and/or performance, with little or no change, you may need to proceed with a psychological evaluation.

After consulting with your personnel officer and the EAP, meet with the employee and discuss the need for an evaluation and set time frames for completion of such an evaluation. Select an appropriate professional to conduct the evaluation (the EAP can provide names). Write a letter requesting the evaluation including the following information:

- The reasons for the evaluation. Describe the problems/behaviors in as much detail as possible.
- The employee's job description, essential job functions, performance expectations, and any information that might be helpful regarding job requirements.
- Request the results of the evaluation, recommendations as to fitness for duty or ability to perform the job, and any other information you need to make appropriate decisions as to reasonable accommodations or the need for the employee to be on sick leave or restricted duty, etc.
- If the person's presence at work is detrimental to himself/herself or others, you can require the individual to be away from the workplace until the evaluation is completed and you have the information needed. Depending on the circumstances, time away from the workplace may be taken as sick leave, vacation, or leave without pay.

Consult your personnel officer for specific assistance. When the individual returns to the workplace, it is important to discuss job duties and expectations. It is also helpful to have talked with the professional who is releasing the person to work regarding anything you might do to assist the transition back to the workplace.

Imminent danger to self or others

When an individual is deemed to be of imminent danger to themselves or others (exhibiting violent or threatening behavior), the person needs to be removed from the workplace. Have a witness if at all possible. Talk calmly with the individual, remove others from the immediate vicinity, and call the designated security personnel to have the employee removed from the workplace. Notify the person(s) the employee has designated to be notified in an emergency. The individual should be placed on sick leave until released by the appropriate authorities to return to work. You may require an evaluation as discussed above. Contact your personnel officer for consultation regarding any disciplinary action that may need to be taken.

Impairment due to use or abuse of chemical substances

Use of chemical substances on the job is prohibited (Executive Order 38 and DAS-HRE Policy). Coming to work with evidence of any such usage is also prohibited. See the State's Substance Abuse Policy and supervisory guidelines for assistance. When an employee is unable to perform the duties of their job and you have reason to believe that the use/abuse of chemicals is the problem, you need to deal with the individual on the basis of their job performance. Disciplinary action may be indicated. A referral to EAP may also be helpful in solving the problem. See the [Substance Abuse Policy Guidelines](#) for further direction. Contact your personnel officer and/or the EAP for a supervisory consultation.

Follow-up

In any of the above circumstances, the return to work agreement and periodic follow-up are crucial for success. If disciplinary action has been a part of the situation, a return to work agreement detailing expectations is usually necessary. It is always important to. You will need to acknowledge and support positive changes and provide feedback to the employee. Hold periodic discussions about how things are going and have the employee assess his or her own progress.

Confidentiality is vital

In all matters involving employee problems or personal discussions with employees, confidentiality must be maintained. Information regarding a referral may be shared with the next higher supervisor, the personnel officer, or the State's EAP coordinator, but with no one else.

Be careful not to disclose personal information without the employee's permission. Limit discussions to those staff people who must be involved in order to get information or who are authorized to assist in resolving problems. Keep all written materials and employee files locked so they are not accessible to others.

In order for the supervisor to receive any information from the EAP, the employee has to sign with the counselor a "Release of Information" form designating what information can be released and to whom. Generally, the only information a supervisor will receive is whether the individual kept their appointment with the EAP. Any other information must be specifically requested and agreed to by the employee in order to be released. The kinds of information a supervisor can request must be job related.

- If a Substance Abuse Professional (SAP) evaluation has been requested, and a release has been signed, the supervisor can be told whether the employee is chemically dependent, what recommendations have been made, and if the person is following through on the recommendations.
- If a psychological evaluation related to safety in the workplace has been requested, the supervisor may request information as to whether this person is safe to return to the job and is able to perform the duties of the job, as well as ways that the supervisor can assist in the person's return to the workplace. The employee must have signed a release of information before any information will be given to the supervisor.

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your assigned DAS-HRE personnel officer***

Employee Separations and Unemployment Claims

Unauthorized three-day absences

In accordance with [11 IAC 60.1](#), an employee who is absent from work for three consecutive workdays without authorization from the appointing authority may be considered to have voluntarily terminated employment.

The appointing authority shall notify the employee of the authority's decision to remove the employee from the payroll. Notification shall be sent to the employee's last-known address, with delivery confirmation required. [A sample letter of unauthorized three-day absences can be found here](#). Upon request, the appointing authority must review and give consideration to extenuating personal circumstances.

Exit Interviews

It is important for the employer to know why employees are leaving in order to better attract and retain productive employees. Exit interviews are a major component of an organization's retention program as they provide:

- Feedback about organizational health and trends management may need to monitor to continue to retain productive employees.
- Feedback regarding supervisory strengths and areas for improvement.
- Documentation verifying the reason the employee is leaving.

The interview should be conducted by an unbiased third party, whenever possible. The interviewer should listen without judging, and should not attempt to defend the organization, even when the employee is very negative.

Refer to the [Sample Exit Questionnaire](#) form (CFN 552-0711). The individual conducting the exit interview should complete the top of the form with the employee's information and the supervisor's information, and identify to whom the Exit Questionnaire should be sent and the deadline for returning it. The Exit Questionnaire should be sent to the employee several days before their last day on the job.

If feasible, set up a time and place for a face-to-face interview to go over the completed questionnaire. Assure that the employee has adequate time to attend the interview and that the supervisor is aware when it is taking place.

Develop a method for compiling the information received so it can be used in the aggregate to identify organizational issues that should receive follow-up attention or factors that may be contributing to turnover. Keep information gained from the exit interview separate from the departing employee's personnel file.

Resist the urge to form immediate conclusions about the organization's health based on the comments of one or two employees. Except in rare circumstances where poor supervisory decisions or actions should be checked into immediately, exit interview information is a good indicator of trends to watch more closely.

Unemployment claims

For agencies covered by the State's administrative services contract, our administrative services contractor, Employers Edge, will handle all protests of claims, scheduling of fact-finding interviews/administrative hearings with the Iowa Department of Workforce Development (IWD) and contested case hearings. Agencies not covered by the State's contract are individually responsible for protests, fact-finding interviews and contested case hearings involving the claim.

Claims processing steps

Former employee files claim for benefits with IWD. If the employee has sufficient base period wages to establish a claim, IWD will send a notice of claim to Employers Edge for agencies that participate in the State's administrative services contract with Employers Edge. The notice will be mailed directly to agencies that do not participate in the contract. Participating agencies should contact Employers Edge immediately if they mistakenly receive a claim notice. The telephone number for Employers Edge is (877)-235-EDGE (3343) x112.

Based upon information provided on the Notice of Separation of Employment form, Employers Edge will, for participating agencies, make a determination if the separation was for cause not attributable to the employer and, if so, file a protest with IWD within 10 days of the date the claim notice was mailed. Agencies not covered by the State's service contract are responsible for filing their own protests with IWD.

When a claim is protested, IWD will hold a fact-finding interview. Employers Edge will contact participating agencies about the fact-finding interview, while IWD will notify agencies not participating in the contract directly. Fact-finding interviews are informal and held by telephone, unless otherwise requested. The employee's supervisor, or an agency representative familiar with the employee's separation, should participate in the interview. Additional information concerning the fact-finding interview is provided below.

- Have necessary documentation/records available at the interview. An IWD claims deputy will take statements from the employee and the employee's former supervisor regarding the circumstances surrounding the separation. Employers Edge does not represent agencies at this step in the process but will counsel agencies concerning preparation for the interview.
- Participating agencies should contact Employers Edge if they are unable to attend a scheduled interview. Agencies not covered by the contract should contact IWD directly.
- If an interview cannot be rescheduled, a letter may be sent to IWD with the appropriate documents explaining the circumstances surrounding separation. The information must be sent to the IWD office where the interview has been scheduled and must be received prior to the date and time of the interview.
- Agencies should request that the factfinder provide them with copies of all signed statements and any other written documents that were introduced during the interview. Participating agencies should forward this information immediately to Employers Edge.
- The agency representative should inform the Claims Deputy of any vacation pay paid to the employee at separation and the date employment would have had to be extended to pay out the vacation on a bi-weekly basis.

If either the employee or agency disagrees with the Claims Deputy's decision, they may appeal it to an administrative law judge (ALJ), who will hold a contested case hearing. Employers Edge handles contested case hearings for participating agencies, while agencies not covered by the contract must handle their own hearings. Employers Edge should be provided with copies of all documentation relevant to the case and will discuss the case with agency management, including assisting in the selection of witnesses, prior to the scheduled hearing. Additional information concerning the hearing is provided below.

- Proceedings will be tape recorded and conducted by telephone or in person. The hearing will include the swearing in of witnesses, cross-examination, and other evidentiary procedures.
- In discharge hearings, the ALJ will determine if the discharge was based on just cause, even if the employee's position or status was not covered by the just cause standard.
- The demeanor of witnesses will influence the ALJ. Therefore, clarity, conciseness and sticking to

the facts are beneficial to the agency's case. Argumentative behavior, interrupting the employee (except to note an objection) and name-calling could damage the employer's case.

Either party may appeal the ALJ's decision to the Employment Appeal Board in the Department of Inspections and Appeals. Employers Edge, if requested, will file the appeal for participating agencies. The appeal board will rule on the tape-recorded record made by the ALJ and does not take additional testimony. This appeal is the final administrative remedy. A petition for judicial review of the Appeal Board's decision may be filed with the District Court.

Related administrative rules

11 IAC 60.1 [Separations](#)

Additional resources

[Sample Letter of Unauthorized Three Day Absence](#)

[Sample Letter for Resignation in Lieu of Discharge](#)

Forms referenced in this section

552-0711 [Sample Exit Questionnaire](#)

552-0666 [Employee Separation Checklist](#)

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

Progressive discipline and just cause

Discipline must be taken for just cause. Discipline serves to address job-related behavior that does not meet expected and communicated performance standards. The discipline should be given to assist the employee in understanding that a performance problem or opportunity for improvement exists. The intent of the discipline is to help the employee correct his/her issue(s) and become successful and productive. The discipline process provides managers/supervisors with a consistent and fair manner for handling disciplinary issues and protecting the legal rights of the employee and employer.

Progressive discipline

Progressive discipline is the action taken by management to correct or change an employee's unacceptable behavior. The goal of progressive discipline is to place the employee on notice so that he/she understands that performance improvement is essential for continued employment. The severity of the discipline increases with the repetition or seriousness of the violation. The specific type of discipline imposed should generally be the least severe form that will result in the required correction or change. An employee's record of previous offenses may never be used to discover whether the employee was guilty of the immediate rule infraction. The only appropriate use of the employee's record is to help determine the severity of discipline once an employee has been found guilty of the current violation. Some acts of misconduct are so egregious that, following a fair and impartial investigation, the appropriate corrective action is a higher level of discipline. The process of progressive discipline is not intended as a punishment, but rather to assist the employee in overcoming performance problems and to satisfy job expectations.

Just cause

Just cause includes a number of conditions that must exist for discipline to be considered valid and supportable. Just cause for discipline is required for all employees by the DAS-HRE rules and collective bargaining agreements.

The following elements must typically be shown before just cause for the disciplinary action will be found to exist:

- **NOTICE:** Did the employer give the employee forewarning or foreknowledge of the possible or probable consequences of the employee's conduct? Was this notice given in writing?
- **REASONABLE RULE OR ORDER:** Was the employer's rule reasonably related to (a) the orderly, efficient, and safe operation of the employer's business, and (b) the performance that the employer should reasonably expect of the employee?
- **INVESTIGATION:** Did the employer, before administering the discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule of management?
- **FAIR INVESTIGATION:** Was the employer's investigation conducted fairly and objectively?
- **PROOF:** At the investigation, did the investigator obtain substantial evidence or proof that the employee was guilty?
- **EQUAL TREATMENT:** Has the employer applied its rules and penalties consistently and without discrimination to all employees?
- **PENALTY:** Was the degree of discipline administered by the employer in a particular case reasonably related to (a) the seriousness of the employee's proven offense, and (b) the record of the employee in his or her service with the employer?

Peace Officer Bill of Rights

Iowa Code Section 80F.1 provides additional rights during formal administrative investigations to peace officers, public safety, and emergency personnel including certified law enforcement officers, airport firefighters, and correctional officers. An administrative investigation is defined as an investigative process ordered by a commanding officer or an agency or commander's designee during which the questioning of an officer is intended to gather evidence to determine the merit of a complaint which may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the officer.

A complaint is defined as a formal written allegation signed by the complainant or a written statement by an officer receiving an oral complaint stating the complainant's allegation. Following a complaint, and prior to the administrative investigatory interview, the employee is given, at a minimum, a written summary of the complaint. All interviews with the employee regarding the complaint and disposition of the investigation must, at a minimum, be audio recorded. In addition to a union or peer representative, the employee may also be provided representation by an attorney. Prior to administering discipline to the employee, up to and including discharge, management must provide the employee notice of the results of the administrative investigation. If the employee, in writing, alleges a violation of the statute, discipline will be delayed by ten (10) calendar days.

Conducting and documenting a disciplinary investigation

Prior to beginning the investigation

- Determine if the employee must be removed from the current work assignment pending the completion of the investigation. This will primarily be due to safety concerns or to preserve evidence. Actions may include:
 - Suspending the employee with pay pending the completion of the investigation. DAS-HRE subrule 60.2(1)"a" provides for suspension with pay pending the completion of the investigation for up to 21 calendar days. A suspension pending investigation may be extended with the approval from the DAS director. The SPOC collective bargaining agreement allows an employee to be suspended with pay pending the outcome of the investigation. If the employee is suspended with pay pending the outcome of the investigation, management must restrict any information on the employee's status to only those who need to know.
 - Reassigning the employee to another work assignment.
 - Temporarily assigning the employee to a different supervisor.
- Determine who should conduct the investigation. Investigators should be trained in conducting employee misconduct investigations, be knowledgeable of policies and procedures, have good interview skills, and be impartial. There are a number of people that should not conduct an investigation, including:
 - An investigator against whom the employee made a complaint.
 - An investigator who is personally involved with the allegation, such as a witness or complainant.
 - An investigator who is personally involved with the employee, such as a friend outside of work or a relative.
 - An investigator who is emotionally involved, such as one who is too angry or one who is too emotionally involved in defending the employee, cannot necessarily be objective.
- Develop an investigation outline:
 - Identify the allegations/complaints.
 - Identify who will be interviewed and the order of the interviews.

- Identify documents to review. Examples may include but are not limited to:
 - o Payroll records/computer log-ins
 - o Work rules and policies
 - o Bargaining agreements and/or administrative rules
 - o Acknowledgement forms of work rules, policies, etc.
 - o Training and meeting records (attendance records and dates, subject matter or agenda, or notes/minutes)
 - o Prior disciplinary actions, coaching and counseling, and written directives
 - o Performance evaluations
- Outline the points to be covered in the interviews. Prepare topics that will be asked of interviewees so that answers can be compared and contrasted.
 - o Consider outlining topics to cover rather than questions if questions are prepared and the witness responds differently than anticipated, it may throw the interviewer off track. With prepared questions, interviewers may become focused on the scripted questions and miss follow-up questions, or interviewers may fail to listen to the answers as they are preparing to ask the next question.
 - o Questions should start as open-ended (broad) and transition to specific to gain detail.
 - o Be alert to the fact you will need to ask follow-up questions based on information given during the interview.
 - o Investigate the current allegations, not the employee's past behavior.
- Date of subject and witness interviews
- Date of discipline
- Dates that document delays in the investigation due to leave taken by subject or witnesses, letter of suspension with pay pending investigation if applicable, and any other relevant dates regarding the investigation process
- Other items for inclusion, if applicable:
 - o Discovery requests and documents - if the grievant requested copies of any documents during the course of the grievance, maintain a copy of the request and the materials furnished.
 - o Investigation Notebook: During the course of the investigation, you will be obtaining documentation to prove or disprove allegations. Identify all documents as to when, where and from whom it was received.
 - o Source of document (for example, work rules, policy manual, witness statement).
 - o Preserve a copy of the work rules, policies, and procedures at the time of the investigation. Since these documents are subject to change, it is important to make sure that you maintain a copy of the rule/policy in effect at the time of the investigation and subsequent action.

Investigatory notebook

The investigation into the allegations of misconduct should be well documented by management prior to the imposition of discipline. The investigation report should include all information gathered during the investigation, including copies of evidence, documents or information that management relied on in making the disciplinary decision. In order to determine the appropriate level and type of discipline, you must consider all elements of just cause. As you investigate the misconduct and determine the appropriate action, gather and organize your documentation. One way of doing that is to use a tabbed, three ring binder or folder. Keeping in mind that each case will need to be assembled based on the facts and materials specific to that investigation, a sample arrangement could include:

- Index

- Letter of discipline
- Employee Background:
 - o Full name
 - o Synopsis of employment
 - o Copies of prior disciplinary action that remain in the employee's personnel file
- Copies of notice and rules:
 - o Employee acknowledgement forms of policies, directives, work rules
 - o Copies of appropriate policies, work rules, directives
 - o Notes from coaching and counseling
 - o Notes from team meetings/training sessions where a rule or process was discussed
 - o Other documents relating to the misconduct
- Investigatory interview documentation:
 - o Interview notes from the complainant, the witnesses and subject
 - o Complainant statement, if applicable
 - o Subject statements, if applicable
 - o Witness statements, if applicable
 - o Transcripts of the interviews and any other documentation or evidence that was gathered, reviewed, or relied upon in proving the offense or used to justify the discipline imposed. If any part of the investigation or documentation will be used in arbitration, it is important that this documentation be presented.
 - o Notes for the *Loudermill* meeting, if applicable
- Documentation supporting the determination of the appropriate level of discipline:
 - o Proof of comparable disciplinary actions imposed on other employees for similar infractions
 - o Be prepared to discuss how the appropriate level of discipline was determined - have all employees who violated this rule been disciplined? You will need to know who, when and what form of discipline was imposed. Is the discipline related to the seriousness of the offense? Was the length of service and past performance record of the employee taken into consideration?
- Timeline of the incident and investigation - Investigations must be complete and timely. Your timeline should include:
 - o Date of complaint/initiation of investigation
 - o Date of subject and witness interviews
 - o Date of discipline
 - o Dates that document delays in the investigation due to leave taken by subject or witness, letter of suspension with pay pending investigation if applicable, and any other relevant dates regarding the investigation process

*The materials gathered in the course of the investigation should be well organized and preserved. In addition to use in the grievance process, the same materials may be necessary to defend the department in unemployment insurance proceedings, Civil Rights or EEOC complaints or other legal proceedings.

Conducting investigatory interviews

When conducting investigatory interviews, there are a number of things to take into consideration:

- Utilize a private, secure location. You may consider an off-site location if the presence of the subject or witnesses will disrupt the workplace.
- Do not interview witnesses in groups.

- DAS-HRE recommends that all investigatory interviews be audio-recorded. Include in the opening remarks the date, time, location, purpose, person being interviewed and person(s) conducting and present during the interview. At the beginning of the interview, explain that you are conducting an investigation and advise the employee alleged to have engaged in misconduct that the investigation could result in discipline, up to and including discharge.
- If any breaks are taken, record the time you are shutting off the recorder. When the tape is turned back on, restate the name of the person being interviewed, the purpose of the break, the date and time, and state that no interview questions were asked during the break. At the conclusion of the interview, note the date and time and state that the interview is concluded.
- Have two investigators participate in the interviews whenever possible, even if the interview is being tape-recorded. One may ask the questions while the other takes more detailed notes and assists with follow-up questions.
- Keep detailed notes of the interview even if you tape the interview. Make sure you take the time to include the questions being asked and the responses. If a statement is important and you want to quote something, ask the interviewee to wait, record the response exactly as stated, then repeat it back to the interviewee and ask them to confirm the statement.
- Pay attention to the employee's non-verbal behaviors and make note of these as appropriate. For example, if the employee cries, raises his/her voice, walks out of the room, document this in the investigation notes. If the employee becomes angry or loses his/her composure, advise the employee that you will give him/her a few moments to gain composure before continuing the interview. If behavior is threatening or the employee may injure him/herself, property or others, contact the appropriate authorities.
- Do not make any promises about the outcome of the investigation. If an employee questions whether he/she will be disciplined or what will happen, indicate that you intend to do a full and complete investigation and you will determine an appropriate outcome.
- Do not give your opinion about what occurred or what the interviewee is saying.
- Tell the interviewee to contact you if anyone else contacts him/her about the investigation or if he/she recalls something not shared with you.
- Do not guarantee that you are accepting the information from the interviewee confidentially or that you will maintain confidentiality of who complained or what was said. Inform the interviewee that information is shared on a need-to-know basis. Reassure the interviewee that you will investigate alleged retaliation.
- Document only the facts. Use quotation marks only for exact quotations. Do not use them to emphasize words or your interpretation of what was said. Do not include opinion or stray remarks in your documentation. Do not include your recommendations in the notes of the interview.
- Types of questions to consider:
 - Who committed the act?
 - What was the act? When did it occur and exactly what happened? What were you doing when it occurred?
 - Where did it occur? Were you standing or seated? How far were you from the act? How often did it occur?
 - Why do you think the act occurred? (Motive)
 - Find out if he/she actually saw or heard something (direct evidence) or if he/she concluded an act occurred based on what they saw or heard (circumstantial). Example: you saw someone eat a cookie (direct) or you saw crumbs on their face (circumstantial) which led you to believe he/she ate the cookie.
 - How did you react? What response did you make when it occurred or afterwards?
 - Who did you discuss it with and when? What did you say?
 - How did the act affect you? Has your job been affected in any way?

- Who else was present when the act occurred? Where were they in relation to you? Who else has any knowledge of the act? Has anyone else discussed it with you? If so, who and what did the person say? Did anyone see you immediately after the act?
- Did the person you are accusing of inappropriate conduct engage in the same or similar conduct with anyone else? Who, what, where, when and how? Has anyone else complained to you about similar conduct?
- Did the employee alleged to have engaged in misconduct contact you about the act?
- How would you like the situation resolved?
- Do you know of any other relevant information?
- Ask open-ended questions and do not interrupt the person being interviewed unless the person needs to be redirected to answer the question asked. Do not ask leading questions. Ask clarifying questions if answers are not clear.
- You may require the witness or subject to respond to a question. An employee may be required to answer a job-related question after having been advised that the information given under the threat of discipline may not be used against the employee in a present or future criminal proceeding. This is known as the "Garrity warning." At the time an employee refuses to answer a question, the employee must be told:
 - That the employee is being directed to respond to all questions, completely and truthfully
 - That failure to respond to the questions completely and truthfully is considered
 - Insubordination and may lead to disciplinary action
 - That any responses that the employee is directed to provide under threat of discipline cannot be used against the employee in a criminal proceeding.
- You do not need to provide a witness the name of the complainant unless necessary. Consider whether the identity of the complainant is going to be kept confidential, or if release of the name is important to adequately allow the subject the opportunity to respond to the allegation. It is often not possible to withhold the complainant's name when conducting a thorough investigation. Do not discuss statements made by others unless absolutely necessary, as it may affect the recall of the interviewee, or the interviewee may adopt the testimony of others as his/her own.
- If the employee states that the allegation is false, ask him/her how the information could have been misconstrued; what actions/statements could have caused a misunderstanding; and, why the complainant or witnesses might have a reason to make false accusations.
- Allow the employee to provide names of witnesses that could back up his/her side of the story. If the employee suggests other witnesses, you will need to interview them prior to closing the investigation.
- Allow the employee to provide physical evidence or documentation regarding the incident.
- Before concluding the interview, ask the employee if there is anyone else you should talk to and whether he/she has any other information they wish to provide.

Evaluating results of an investigation

- After the interviews have been conducted and the evidence gathered, management needs to determine the credibility and probative value of the evidence:
- What was the demeanor of the interviewee? (Be cautious; these are only indicators.)
 - Appearance
 - Gestures
 - Voice
 - Other Behaviors
 - Was the witness straightforward or evasive?
- Was there evidence of bias on the part of any witness?

- Was the witness the best friend or the worst enemy of the employee being investigated?
- Was there motive or an interest in the outcome on the part of the witness?
- Was the complainant/witness an inmate, patient, or client and is the statement credible?
- Did the interviewee accurately describe or explain his/her observations?
 - Was the interviewee impaired?
 - If the interviewee's memory is not clear, evidence is speculative. For example, the witness may state, "I can't recall exactly, but maybe he had his hand on her leg."
 - It may help to have the witness link the incident to something that can be confirmed by outside evidence. For example, the witness may say she was sure the incident occurred at 3:15 p.m. because she was on break and always goes to break at 3:15 p.m. Check the pattern of breaks and interview other people aware of where the witness was at 3:15 p.m. to verify this pattern.
- Are the witnesses consistent in their version of the facts?
 - If the statements, interviews and evidence are consistent, this strengthens your case.
 - Are perceptions distorted or exaggerated?
 - Are witness timelines accurate, diminished, or exaggerated?
 - Have the witnesses attributed a motive or purpose for the incident that is not supported by the evidence?
 - If statements and/or interviews are inconsistent, this weakens the credibility of the case. If witness statements are unclear or inconsistent, re-interview the witnesses to clarify facts.
 - Compare written statements, if applicable, to answers given during an interview.
- Review the evidence.
 - Ensure that all witnesses have been interviewed.
 - What evidence has the subject provided in his/her own defense? Is it possible that there could be other evidence that the subject, complainant or witnesses have not provided?
 - Is there greater information supporting the allegation or disputing the allegation?
 - Is your evidence strong enough to convince the Public Employment Relations Board (PERB), an arbitrator and/or a jury?
 - Look at the evidence as if you were opposing counsel (the opposing party):
 - Are the policies inconsistent or unclear?
 - What are the possible defenses for the alleged violations?
 - Are there mitigating circumstances?
 - Was the investigation complete?
 - Was the investigation fair and impartial?

Concluding the investigation

If the evidence supports the allegation of misconduct:

- Assess the severity of the rule infraction.
- Have others been disciplined for this violation in the past? If so, what discipline was imposed?
- Work with the PO to determine if there is just cause to take action and to determine the appropriate corrective action.
- Was the employee being investigated aware of the work rule or policy and did he/she understand that an infraction of the rules or policies could result in discipline?

- Is the rule or policy reasonably related to the employer's operation?
- Inform the complainant that the investigation has been concluded and that appropriate action has been taken. Reassure him/her if there are other incidents or if he/she feels that retaliation is occurring, an investigation will be conducted.
- If discharge is considered, prior to the imposition of the final action, a *Loudermill* meeting must be conducted. If management has allowed an employee to have a peer throughout the investigation, then a peer should also be allowed during this meeting. The employee must be informed that the investigation is complete and, based on the evidence, discharge is the appropriate remedy for the misconduct. Ask the employee if he/she has any additional information to offer for consideration before a final decision is made. If the employee offers additional information that could have an effect on the decision to discharge, the investigation should be reopened and the new information should be followed up on prior to a final decision being made. If the employee offers no new information during the *Loudermill* meeting, the discharge should be imposed. The *Loudermill* meeting is essentially an extension of the investigation. Notes should be taken and incorporated into the investigation report.

If the evidence does not support the allegation of misconduct or is inconclusive:

- Inform the subject that the investigation does not support the allegations.
- Remind the subject he/she cannot retaliate against the complainant or witnesses.
- Inform the complainant that the investigation did not support the allegations.
- Management should then:
 - Revise rules/policies that are not clear or implement new rules/policies, if necessary.
 - Determine if employees need training on policies and establish a periodic training schedule on major policies.

Types of disciplinary actions

Written notice

Regardless of the type of disciplinary measure imposed, a written notice indicating the reason(s) for discipline, type and duration of the disciplinary action, grievance or appeal rights of the employee, and notice pursuant to Iowa Code Section 22.7(11)(a)(5) and 22.15 that the disciplinary action may become a public record must be given to the employee within 24 hours for merit-covered employees, and within five (5) workdays with a copy to the union for SPOC employees.

The contents of the letter should be reviewed with the employee, the employee should be instructed to read the letter, and the employee should be asked to sign to acknowledge receipt of the letter. If an employee refuses to sign, the refusal should be noted on the letter and signed and dated by the issuer of the disciplinary notice.

A copy of all disciplinary letters must be retained in the employee's personnel file. Letters of discipline are not removed from the personnel file unless as part of an arbitrator's decision, a settlement agreement, or a collective bargaining agreement provision. The SPOC collective bargaining agreement requires removal of written reprimands after three (3) years. Disciplinary letters for merit-covered employees remain in the personnel file permanently unless removed as part of a grievance settlement.

Copies of all disciplinary letters must be sent to the DAS-HRE personnel officer.

Except for severe infractions of laws, rules, or policies, discipline should be progressive, corrective, and must always be well documented.

In accordance with policies and rules of the DAS-HRE and the SPOC collective bargaining agreement, discipline for any employee must meet the standards of just cause. Some infractions, even though

they are the first committed by an employee, may be serious enough to warrant suspension or summary discharge following an investigation. The following steps are meant only to provide a guide to implementing progressive discipline.

Letter of written reprimand

The written reprimand should be signed by both the supervisor and the employee. The written reprimand must be given to the employee with one (1) copy placed in the official employee file and one (1) copy given to the personnel officer.

The letter of reprimand must include the following information:

- Written notice of infraction, citing specific rule(s) and policy(s) violated.
- Specific information (dates, times, what occurred) regarding the unacceptable behavior or performance.
- Information regarding what is expected of the employee to correct the problem or performance.
- Grievance or appeal rights.
- Notice pursuant to Iowa Code Section 22.7(11)(a)(5) and 22.15 that the disciplinary action may become a public record.

Letter of suspension

Disciplinary suspensions for employees covered by FLSA are without pay ([sample letter of disciplinary suspension without pay](#)).

An employee exempt from the FLSA will be given documentation of disciplinary action equivalent to a suspension ([sample letter of disciplinary paper suspension](#)); the FLSA exempt employee will not serve time off or be docked in pay.

The length of the suspension must fit the severity of the infraction. Disciplinary action that is taken as a punitive rather than a corrective measure will not be supported in the appeal or grievance process. A suspension without pay may not exceed thirty (30) days.

Suspensions with pay pending the outcome of an investigation (administrative suspension) may be used to remove an employee from the workplace until the completion of the investigation. A suspension pending investigation may be extended with approval from the DAS director.

All suspensions should be reviewed with the personnel officer assigned to the department prior to implementation.

The letter of suspension must be given to the employee with one copy placed in the official employee file, one copy given to the personnel officer, and one copy given to SPOC.

The letter of suspension must contain the following information:

- Effective date of suspension.
- Length of suspension in workdays.
- Return to work date.
- Written notice of infraction, citing specific rule(s) and policy(s) violated.
- Specific information (dates, times, what occurred) regarding the unacceptable behavior or performance.
- Information regarding what is expected of the employee to correct the problem or performance.
- Grievance or appeal rights - **61.2(6)** *Appeal of disciplinary actions* applies to merit-covered (non-SPOC) employees.
- Notice pursuant to Iowa Code Section 22.7(11)(a)(5) and 22.15 that the disciplinary action may become a public record.

Management may determine it necessary to issue a final warning as part of a disciplinary suspension letter. The letter will state that if the employee engages in the same type of behavior or further violates work rules that would normally result in disciplinary action, discharge will occur. A final warning is

usually given as the final step in a progressive discipline, or in the case where a lengthy suspension has been imposed for a severe rule infraction. Contact your personnel officer before issuing a final warning.

Disciplinary demotion

An employee may be demoted to a vacant position as disciplinary action for inability to perform the duties of the higher position or for some instances of misconduct. The employee must meet the minimum qualifications for the lower job class if it is not in the same series as the job class currently held by the employee. **Demotion is considered substantive disciplinary action and should be discussed with the department's personnel officer before imposition.**

All disciplinary demotions must be documented in writing, including notice pursuant to Iowa Code section 22.7(11)(a)(5) and 22.15 that the disciplinary action may become a public record, and placed in the employee's personnel file.

Letter of discharge ([sample letter](#))

Discharge usually follows other lesser progressive disciplinary action. There are some circumstances, however, which warrant summary discharge. Summary discharge means discharge from employment upon completion of a fair and thorough investigation substantiating the alleged offense. Such discharge is not preceded by progressive discipline.

The letter of discharge must be given to the employee with one (1) copy placed in the official employee file and one (1) copy given to the personnel officer.

The letter of discharge must contain the following information:

- Effective date of discharge.
- Reason for discharge, including the infraction and appropriate rule or policy violation.
- If progressive, reference to prior actions taken.
- Grievance or appeal rights.- **61.2(6) Appeal of disciplinary actions.**
- Notice pursuant to Iowa Code Section 22.7(11)(a)(5) and 22.15 that the disciplinary action may become a public record

Important information for merit-covered disciplinary action only

The DAS-HRE administrative rules require that on discipline notices for suspension, reduction of pay within the same pay grade, disciplinary demotion or discharge, the following language from [11—subrule 61.2\(6\)](#) be included verbatim:

61.2(6) Appeal of disciplinary actions. Any non-temporary employee covered by merit system provisions who is suspended, reduced in pay within the same pay grade, disciplinarily demoted, or discharged, except during the employee's period of probationary status, may bypass steps one and two of the grievance procedure provided for in rule 11—61.1(8A) and may file an appeal in writing to the director for a review of the action within 7 calendar days after the effective date of the action. The appeal shall be on the forms prescribed by the director. The director shall affirm, modify or reverse the action and shall give a written decision to the employee within 30 calendar days after the receipt of the appeal. The time may be extended by mutual agreement of the parties. If not satisfied with the decision of the director, the employee may request an appeal hearing before the public employment relations board as provided in [11—subrule 61.2\(5\)](#).

Grievances

All employees have the right to file grievances alleging DAS has failed to substantially comply with the administrative rules. A non-temporary, permanent, merit-covered employee also has the right to file a grievance if they are suspended, receive a reduction in pay within the same pay grade, disciplinarily demoted, or discharged.

Grievances under collective bargaining

If an employee is covered by a collective bargaining procedure which contains a grievance procedure, the employee should utilize that grievance procedure for matters covered in the collective bargaining agreement. For more information on the grievance processes, refer to the SPOC Contract grievance process.

State employee grievance procedure

A state employee grievance is any dispute between the employer and the employee with respect to the conditions of employment.

Appeals of disciplinary action

A non-temporary employee who is covered by merit system provisions and is disciplined (suspension, reduction in pay, demotion, or discharge) may bypass Steps 1 and 2 of the grievance procedure provided below and must file a written appeal to the chief operating officer of DAS-HRE at Step 3 of the grievance procedure within seven (7) calendar days after the effective date of the action in accordance with [11 IAC 61.2\(6\)](#).

A non-temporary employee who is covered by merit system provisions and receives discipline in any other form than described above (i.e. written reprimand) must file a grievance beginning with Step 1 of the grievance procedure outlined below within fourteen (14) calendar days after the effective date of the action.

State employee grievance processing steps

Non-Disciplinary Issue including Written Reprimands	Suspension, Reduction in Pay, Demotion and Discharge
1). Supervisor	1). May bypass Steps 1 and 2
2). Management Representative	2). May bypass Steps 1 and 2
3). DAS-Labor Relations	3). DAS-Labor Relations
4). PERB	4). PERB

Step 1: An employee must initiate the grievance by submitting it in writing on the State Employee Grievance Form to the immediate supervisor within fourteen (14) calendar days after the time the employee became aware of or should have become aware of the grievance issue. The supervisor shall give a decision in writing to the grievant within fourteen (14) calendar days. The supervisor shall give a copy of the grievance and the written response to the next higher management authority and send a copy to DAS-HRE at hre-lrt.coordinator@iowa.gov.

Step 2: A grievant who is not satisfied with the first step response may file the written grievance with the designated management representative at Step 2 in the agency's grievance process within seven (7) calendar days after receipt of the Step 1 decision. The designated management representative must give a decision in writing to the grievant within fourteen (14) calendar days after the grievance was received at Step 2. The management representative shall give a copy of the grievance and the written response to next higher management authority and send a copy to DAS-HRE at hre-lrt.coordinator@iowa.gov.

Step 3: For appeals of disciplinary actions involving suspension, reduction in pay, demotion, or discharge, an employee must file an appeal within seven (7) calendar days as outlined above.

Step 4: If the grievant is dissatisfied with the written decision from DAS-HRE at step 3, and the grievance alleges a violation of Iowa Code Chapter 8A, subchapter IV or the DAS-HRE administrative rules in chapter 11, the grievant may file an appeal with PERB within thirty (30) calendar days following the date the written decision was received or should have been received.

Time limits

Grievances not appealed within the designated time limits at any step will be considered as settled on the basis of the last employer answer. Grievances not answered by the employer within the designated time limits may be taken to the next step. The parties may agree in writing at any step to extend the time limits.

Grievance meetings

When it is determined by management that a meeting with the grievant will be held, all reasonable attempts will be made to hold the meeting during the grievant's regularly-scheduled hours of work. A grievance meeting is not required to be held with the grievant. However, a discussion with the grievant prior to issuing a decision is encouraged. There is no requirement that the meeting be held in person.

If it is determined that a grievance meeting will take place, either in person or via phone conference, the grievant, an employee who is the grievant's peer, and all other employees authorized by management to attend a grievance meeting shall be in paid status for time spent at the meeting. In addition, all time spent traveling to and from the meeting during their regularly scheduled hours of work will be in paid status. Employees who are eligible for overtime compensation shall be compensated for time spent outside their scheduled hours of work. The employee may not be assisted by someone who would constitute a conflict of interest or unreasonably impact the operational efficiency of an appointing authority as determined by the DAS director. Travel expenses and state cars are authorized only for employees who are required by management to participate in the meeting. A grievant's peer shall not process or prepare for grievances during work time except for meal and rest periods.

Related administrative rules

- 11 IAC 60 [Separations, Disciplinary Actions and Reduction in Force](#)
- 11 IAC 61 [Grievances and Appeals](#)
- 11 IAC 62 [Performance Review](#)

Additional resources

- [Investigating Employee Misconduct PDS Training](#)
- [Discharge Letter](#)
- [Disciplinary Suspension Without Pay](#)
- [Disciplinary Suspension with Pay \(Paper Suspension\)](#)
- [Suspension with Pay](#)
- [Written Reprimand](#)

Forms referenced in this section

- 552-0791 [Administrative Leave Extension Request](#)
- 552-0792 [Request to Deny Peer Assistance](#)
- 552-0248 [Grievance Form](#)

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

Reduction in Force (Layoff)

Preparation for a reduction in force (layoff) - permanent merit-covered employees

Definition of a reduction in force

A reduction in force (RIF) is required whenever the appointing authority permanently reduces the number of permanent merit-covered employees in a class or the number of hours worked by a permanent merit-covered employee in a class as determined by the "full-time equivalent" funding attributed to the position. A RIF may be proposed by an appointing authority whenever there is a lack of funds, a lack of work or a reorganization. (The terminology "reduction in force," "RIF," and "layoff" may be used interchangeably throughout this section.)

The following actions are a sampling of those that shall not constitute a RIF:

- An interruption of employment for no more than 20 consecutive calendar days, with prior approval of the DAS director.
- Interruptions in employment of school term employees during breaks in the academic year, during the summer, or during other seasonal interruptions that are a condition of employment, with prior approval of the DAS director.
- The transfer or reassignment of an employee to another position in the same class or to a class in the same pay grade.
- A reduction in the number of, or hours worked by, permanent employees not covered by the merit system.

Check with your assigned personnel officer to determine if your action constitutes a RIF.

Planning a RIF

Determine a proposed RIF date. Department planning activities should begin at least 8 weeks prior to the proposed RIF date. More time may be required for more complex RIF situations. Your personnel officer should be consulted throughout the entire planning and RIF process.

Listed below are some basic steps to follow when planning a RIF (this information is discussed in more detail in the pages that follow):

- Determine the affected job classes and number of positions to be eliminated. The extent of the RIF is based on various factors including, but not limited to:
 - the level of department appropriations
 - workload levels
 - reorganizing, reducing, or eliminating program areas
 - legislative mandates related to department program activities
 - the number of temporary and probationary employees to be terminated.
- Determine the RIF unit. It may be by agency organizational unit or agency wide, as designated by the appointing authority. If the proposed agency organizational unit is smaller than a bureau, it is subject to the approval of the DAS Director.
- Determine the retention points of the affected employees. Retention points are calculated by adding length of service credit and performance credit using the [Retention Point Calculation Worksheet](#). Rank permanent full-time and part-time employees in the affected job classes within the RIF unit in descending order of total retention points.
- Establish the initial RIF line for each affected class within the RIF unit. Employees below the line will be laid off unless they bump in lieu of RIF or find other employment prior to the RIF date. The RIF line is adjusted when a position above the initial RIF line is vacated allowing

the line to be adjusted so that one less employee will be laid off. The DAS director, at the request of the appointing authority, may approve specific exemptions from RIF where special skills or abilities are required and have been previously documented in the records of the department as essential for performance of your assigned job functions. An employee with greater retention points who has received a rating of less than “meets expectations” on the most recent performance review given within the last 12 months, or who has a disciplinary suspension or demotion within the last 12 months, may be subject to RIF in force before the employee with the next lowest retention points, subject to approval of the DAS director.

- Develop tentative assignments for employees in positions above the RIF line. It is the appointing authority's right to determine the job duties and specific positions to which employees will be assigned. Management should attempt to assign job duties so that positions will not need to be reclassified.
- Identify tentative employment options for employees below the proposed RIF line.
 - Determine the bumping rights of employees who are initially affected by the RIF. Also, identify other employees within the RIF unit who may be impacted by bumping.
 - Notify your HRA of the names of employees likely to be laid off. Your HRA will work with the DAS-HRE Employment Team to provide outplacement and recall information to the affected employees.
 - Tentative assignments and employment options should not be discussed with employees prior to final approval of the RIF plan.
- Develop and submit the proposed RIF plan to DAS for initial review and approval. The plan will then be forwarded by DAS to DOM and then to the Governor's Office for final approval. Allow a minimum of seven to ten days for this approval process. The RIF plan must be approved prior to implementation. (A sample merit RIF plan can be found in the forms section of this chapter.)
- Terminate all non-permanent employees in the affected class(es) in the RIF unit prior to the RIF. DAS-HRE rules require that temporary (including provisional and trainee) and probationary employees in a class identified for RIF be terminated prior to the RIF of permanent full-time or permanent part-time employees. Contact your personnel officer before a RIF when probationary or temporary employees are involved. An employee on military leave shall not be terminated as a probationary employee if the time the employee worked added to the military leave time equals or exceeds the required probationary period. In this case, the employee will receive continuous service credit as if still on the job. If the class the employee occupies is affected by RIF, the employee will be listed in retention point order with other employees in the class. If the employee's position is affected by a RIF, the employee will receive the same notice of RIF, and have the same RIF rights, as any other employee affected by the RIF. If the combined period of time worked and military leave does not equal or exceed the required probationary period, the employee will be considered to be a probationary employee and must be terminated if the class the employee occupies is affected by RIF, prior to the RIF of any permanent employees.
- Employees on workers' compensation, FMLA, donated leave or other leave are treated in the same manner and have the same rights as employees who are on the job. Departments must notify all affected employees of the RIF, including their bumping and recall rights.
- Employees in positions exempt from the merit system are not covered by the DAS-HRE rules concerning RIF or recall provisions and are not to be included on the RIF plan.

Drafting the RIF plan

All RIF plans must be approved by the DAS-HRE chief operating officer, the DAS director, the DOM director, and the Governor's Office prior to implementation (a template is found in the forms section of this chapter). If a RIF results in the closing of a facility or work location or if a RIF will affect public access

to services, a separate letter detailing the closing and/or the effect on access of the public to services must be included with the plan.

The RIF plan shall include the following (see DAS form CFN 552-0852):

- Department
- Reason for RIF
- Amount of savings from this RIF
- Total number of positions to be reduced
- Non-supervisory positions reduced (List number and job classification)
- Supervisory positions reduced (List number and job classification)
- Retention point cut-off date (Attach retention points for employees in each affected job class in the RIF unit)
- Current span of control
- Span of control, if implemented
- Proposed effective date of RIF
- RIF Unit
- Services impacted by this RIF and plans to address this impact

The RIF plan should address the positions and classes that will be initially impacted by the RIF. It is not necessary to detail the effects of bumping that may occur within the RIF unit. An organizational chart is recommended to be submitted with the plan.

Notification to employees

Departments must notify all initially affected employees in the RIF unit once the RIF plan has been approved. Employees must be notified individually in writing at least 20 workdays prior to the effective date of the RIF unless budget limitations require a lesser period of notice. Employees who are subsequently impacted by bumping must also receive written notification 20 workdays prior to the effective date of RIF.

Notification letters to employees shall be given directly to employees with an acknowledgement of receipt signed and dated by the employee. If the employee refuses to sign the acknowledgement, the supervisor will note that refusal on the letter, sign and date the letter, and place it in the employee's personnel file.

The notification letter shall contain the effective date and reason(s) for the RIF, the employee's bumping options, and recall rights. Employees shall also be provided a copy of their retention points computation worksheet. A sample notification letter is found in the forms section of this chapter.

Bumping options shall note the potential classifications in the RIF unit. The letter need not note the specific position, as Management may designate the specific position.

Employees have five calendar days from the receipt of each notice to advise the department in writing of their election to bump or be laid off.

If an employee receives a RIF notice and then decides to retire, the retirement will be approved if the date of retirement is no later than the date of RIF. Employees who retire in lieu of RIF are not entitled to recall.

Notice is not required in order to terminate probationary or temporary employees before affecting their class by RIF. Departments may give notice, but shall not let probationary employees in affected job classes acquire permanent status.

Guidelines on RIF

Individual departments may not enter into side agreements with employees regarding either RIF or assignment. An employee who accepts another position (other than a bump) prior to the RIF does not

have recall rights. Employees who retire on or before the RIF date are considered to have retired and not to have been laid off.

Voluntary RIF

Voluntary RIF'S are permitted for merit-covered employees. The volunteer must occupy a position in a class identified for RIF in the same RIF unit; the volunteer must substitute for the employee with the most retention points of those to be laid off; and the volunteer may not elect bumping. Since the volunteer is laid off, the volunteer has recall rights. An employee below the RIF line who is retained due to the voluntary RIF of another employee may also be granted a voluntary RIF at the discretion of management. An employee volunteering for RIF must request RIF in writing and must receive a RIF notice.

Reduction in hours

An employee whose scheduled hours are reduced may accept the reduction in hours, may be laid off, or may exercise applicable bumping rights. If an employee accepts the reduction in hours, the employee is eligible for recall to a full-time position in the class and RIF unit from which laid off. If an employee refuses a reduction in hours, the employee will be laid off and will have full recall rights.

Note: Reduction in hours of employees exempt from the premium overtime provisions of the federal Fair Labor Standards Act will affect the employee's' exemption for overtime purposes for the duration of the period hours are reduced. As such, these employees would be eligible to receive pay at one and one-half the hourly salary for any hours exceeding forty in a workweek during a period of reduction in hours.

Temporary layoff

A layoff shall be required whenever the appointing authority reduces the number of permanent merit-covered employees in a class or the number of hours worked by permanent merit-covered employees in a class, except that the rules do not apply to a temporary reduction of less than 20 consecutive calendar days.

Unemployment compensation

A supervisor may not enter into an agreement with an employee to allow the temporary layoff to be taken in a continuous block in exchange for the employee agreeing not to file for unemployment. Iowa Code section 96.15 strictly prohibits entering into an agreement with an employee to waive rights to unemployment compensation. Also, temporary layoff plans should be designed to minimize unemployment expenses to the State.

If the temporary layoff does not exceed one day per work week, employees generally should not become eligible for unemployment benefits.

Volunteers for temporary layoff

Employees may not volunteer for layoff in lieu of other employees taking temporary layoff.

Paid leave

In the event that vacation requests conflict with temporary layoff, vacation requests for merit-covered employees may be denied. Scheduled vacations can be cancelled for merit-covered employees if the temporary layoff date(s) conflicts with a scheduled vacation date(s). If a scheduled vacation is cancelled and the employee is at the maximum accrual, the employee can take the vacation at a later time. They will not, however, earn additional vacation until they get below the vacation accrual ceiling.

Employees on sick leave or other paid leaves will not be exempt from temporary layoff. An employee supplementing workers' compensation with sick leave or vacation will be temporarily laid off in the same manner as any other employee utilizing paid leave time on a basis proportionate to the amount being

supplemented. Employees may not take vacation, compensatory leave or any other type of paid leave in lieu of temporary layoff.

Employees will not be temporarily laid off on the day of a holiday, or the first work day before or first work day following a holiday.

Other considerations regarding temporary layoffs

Job-share positions will be subject to temporary layoff if in an affected class and work unit. Merit-covered, overtime exempt employees lose their exemption during the time of the temporary layoff and must be paid for all hours worked including time and one-half for all hours worked after 40 hours in the work week.

Retention Points

Overview of retention points

Retention points are the combination of an employee's length of service and performance credits. Employees receive one point for each month of continuous merit-covered service and one point for each month that a documented performance evaluation was rated as acceptable or better, or for which the employee's performance was not rated. No performance credits points are given for months in which the employee's performance was documented as less than satisfactory. Service of fifteen days or more in a month count as a month for retention point purposes.

Retention point calculation

The following are instructions for completing the [Retention Point Calculation Worksheet](#) (CFN 552-0106) (found in the forms section of this chapter):

- Enter the employee's NAME, AGENCY, and RIF/CURRENT CLASS TITLE in the spaces provided.
- Enter the REDUCTION IN FORCE UNIT where the RIF will occur.
- Enter the CUTOFF DATE established by the Appointing Authority after which retention points will not be credited.
- Enter the employee's EMPLOYMENT DATE.
- Enter the CURRENT JOB CLASS for the employee's position.
- Enter in PREVIOUSLY HELD CLASSES all classes in which the employee has had probationary or permanent status. Where class title changes or series revisions may be involved, consult your personnel officer.

Determining positions to be laid off

After establishing retention points for each person in the affected class, rank the employees by score from highest to lowest number of retention points.

Determine how many positions will be laid off. Starting at the bottom of the list, count up the list by the number of positions to be laid off, and draw a line above that number (RIF line).

The DAS director, at the request of the appointing authority, may approve specific exemptions from RIF where special skills or abilities are required and have been previously documented in the records of the department as essential for performance of your assigned job functions.

An employee with greater retention points who has received a rating of less than "meets expectations" on the most recent performance review given within the last 12 months, or who has a disciplinary suspension or demotion within the last 12 months, may be subject to RIF before the employee with the next lowest retention points, subject to approval of the DAS director.

The employee with the least retention points will be laid off, regardless of whether an employee is on a paid or unpaid leave or is in work status.

Employees below the lay off line should be notified of their impending RIF following approval of the plan.

Bumping for merit-covered employees

Eligibility

In lieu of RIF, permanent merit-covered employees in affected classes may elect to change classes or "bump." Bumping rights are described in DAS-HRE subrule [11 IAC 60.3\(5\)](#). Probationary and temporary employees in affected classes do not have bumping rights.

Supervisory employees, with the exception of supervisors at the Department of Public Safety, may not bump employees with fewer retention points who are not being laid off. Employees in non-supervisory classes may not bump to supervisory classes, even if they formerly held those classes.

Bumping may occur only within the applicable RIF unit. Bumping shall occur in accordance with the RIF order (retention points) and the RIF unit governing the class to which the employee is bumping. Employees may bump only when they have greater retention points (unless a specific exemption is made where special skills or abilities are required).

Notice

The appointing authority shall notify the employee in writing of the exact location of the position to which the employee will be assigned. After receipt of the notification, the employee shall have five calendar days in which to notify the appointing authority in writing of the acceptance or the position or be laid off.

Assignment upon bumping

An employee only elects to bump to the class, not to an individual position. An employee may bump to a lower class in the same series or to a lower formerly held class in which the employee had non-temporary status while continuously employed in the state service. The appointing authority will decide the specific position. If the employee refuses to accept the position assigned, the employee will be laid off.

An employee who elects to bump may be assigned to a vacant position as long as the position is approved to be filled and rules have been exhausted regarding the filing of a permanent vacancy if the position.

If a part-time employee has bumping rights to another class, and the employee who is bumped occupies a full-time position, the employee electing to bump must accept the full-time status of the position or be laid off (or vice versa).

Pay upon bumping

The pay of an employee who elects to bump will remain the same unless the pay needs to be adjusted to the minimum or maximum rate for the class. Generally, the increase eligibility date remains the same for an employee who elects to bump.

If employees are given effective dates for bumping that are in the middle of a pay period, payroll and personnel documents are to be processed at the beginning of the next pay period. Employees shall continue to be paid at their current rate of pay until the end of the pay period in which their date of bumping is effective.

Miscellaneous bumping information

Formerly-held classes that no longer exist may be given an equivalent class designation if an equivalent class exists. Consult your PO with questions concerning equivalent classes.

Formerly-held positions that have been reclassified due to a new class or class series being implemented or re-titled shall be reviewed upon request and bumping rights granted to both the old title, if still in existence, and the current title of the class.

A merit-covered, non-supervisory employee who elects to bump in lieu of RIF is eligible for recall to the class and RIF unit held at the time of the election to bump.

A merit-covered, non-supervisory employee who bumps in lieu of RIF and subsequently leaves employment for any reason other than a subsequent RIF is no longer eligible for recall.

Recall

Merit-covered, executive branch employees who are laid off have recall rights under chapter [11 IAC 60](#) of the Iowa Administrative Code. An employee who accepts another position (other than a bump) prior to the RIF does not have recall rights. Only employees who are laid off or who bump in lieu of RIF have recall rights. Merit-covered employees are eligible for recall for one year following the date of the RIF. They may only be recalled to the class and RIF unit occupied at the time of the RIF. Recalled merit-covered employees return with permanent status.

One failure to accept a recall position shall negate all further recall rights. However, If an employee was laid off from a full-time position and is recalled to a part-time position, the person can accept or decline the position and remain on recall for a full-time position. If an employee was laid off from a part-time position and accepts or declines recall to a full-time position, the employee's name will stay on recall for a part-time position.

The appointing authority must interview the recalled person solely to determine if the person possesses the documented special skills or abilities required for the position and can perform the essential functions of the position with or without accommodation for disability before any recalled person is placed on the payroll. Medical verification of ability to perform essential functions can be required. If the person does not possess the documented special skills or abilities required for the position or cannot perform the essential functions with or without an accommodation, the appointing authority may refuse to recall that employee with the approval of the DAS director under DAS-HRE administrative rule [11 IAC 60.3\(6\)\(f\)](#). A person on the recall list who the appointing authority refuses to recall due to the person not possessing documented special skills or abilities required for the position or their inability to perform the essential functions of the position with or without an accommodation will stay on the recall list for the remainder of their eligibility period.

Pay and benefits upon recall

Pay at the time of recall is set according to DAS-HRE subrule [11 IAC 53.6\(11\)](#). The employee will continue to be paid at the same rate of pay including any class series, pay grade, or other pay adjustments for which the employee would have been eligible while on layoff, unless the pay may need to be adjusted to fit within the minimum or maximum of a different pay grade.

If an employee bumps in lieu of RIF and is recalled to his/her formerly held class, and if the employee's pay is less than that received at the time of the RIF, the employee's pay shall be increased to the rate the employee was receiving before bumping, including any adjustments for which the employee would have been eligible. In no case shall the salary be set below the minimum of the class.

Miscellaneous recall information

Employees may not remove their names from the recall list for the class from which laid off. (Note: A doctor's statement can prevent an employee on recall from returning to the class from which laid off.)

A department must allow the recalled employee a reasonable amount of time (at least two weeks) to start work in order to give a current employer notice, arrange dependent care, etc.

The initial contact and recall offer may be made by phone. If the employee declines, the department must send written notice of recall with delivery confirmation in order to provide for appropriate documentation. If the employee accepts, a written confirmation of the acceptance must be sent with delivery confirmation to the employee. If the recall notice is sent with delivery confirmation and is undeliverable, the department may bypass the name and notify DAS-HRE.

Employees on the recall list are responsible for keeping DAS-HRE informed of any change in address that occurs while on layoff.

Promotional outplacement program

The purpose of outplacement is to assist non-contract merit-covered employees in finding other state employment prior to or following the RIF.

When a RIF is anticipated, the agency must provide the Department of Administrative Services-Human Resources Enterprise (DAS-HRE) Employment Team with a list of the names of employees with permanent status who have exhausted bumping options, the job class, and the date of the RIF.

The agency HRA will send recall and outplacement materials to affected employees.

Employees who have been laid off are eligible to apply for promotional vacancies for a period of one year from the date of RIF.

- Intra-agency, merit-covered promotional vacancies (promotions restricted to employees within the agency) – merit-exempt employees may apply for these vacancies for one year from their layoff date, if they were laid off from that agency.
- Inter-agency, merit-covered promotional vacancies (promotions are only restricted to state employees) – merit-exempt employees may apply for these vacancies without restriction for one year from their layoff date.

Employees who have been laid off are encouraged to work with the DAS-HRE Statewide Recruitment Coordinator for assistance with seeking other state employment.

Benefits upon layoff and recall

Leave

Accrued vacation is paid out on the employee's final paycheck. The employee's previous adjusted employment date (date used for vacation accrual rate) is restored if the employee is reemployed within two years following layoff.

Accrued sick leave is not paid out. Following layoff, if the employee is reemployed to another State position within two years for merit-covered employees, sick leave accrued before layoff is restored, unless the sick leave has been credited to a sick leave bank.

Any accumulated compensatory leave not taken will be paid out on the final paycheck.

COBRA health and dental benefits

An employee's health and dental plan will remain in effect until the end of the month in which the layoff occurs. If covered by a State sponsored health and/or dental plan prior to layoff, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 provides continued group health and dental benefits coverage for 18 months after layoff. If the employee is disabled per the Social Security Administration at

any time during the first 60 days of COBRA coverage, they may qualify to continue COBRA coverage for up to 29 months. The employee may keep the same benefit plan as when employed. The employee is responsible for the full premium plus two percent. The State's share of the premium ends at the end of the month in which the layoff occurs.

DAS will send a COBRA Notification/Election form to each employee laid off. The employee must return the form to the DAS Benefits Section no later than 60 calendar days following the date the coverage would otherwise end, or no later than 60 calendar days following receipt of the COBRA election forms, whichever is later.

At the end of the COBRA continued coverage period, individuals will be offered a conversion health plan by the carrier of their current health plan. The conversion plan is available regardless of health status at the time. There is no conversion plan for dental insurance. When the COBRA period is over, dental insurance will stop.

Health and dental insurance upon recall

If an employee is recalled the employee is eligible for reinstatement of health and dental coverage. Coverage will begin the first day of the month following the employee's return to work. The health and dental enrollment form or enrollment online via Iowa Benefits, must be completed and submitted by the employee within 30 calendar days of the recall date. Employees reemployed after expiration of their recall rights must be treated the same as a new hire for health and dental enrollment and eligibility requirements.

Life Insurance and Long Term Disability

Long Term Disability (LTD) insurance terminates on the last day of the month in which an employee is laid off. There are no continuation provisions for LTD.

Group life insurance terminates at the end of the month in which the layoff occurs. There is, however, a 31 calendar day grace period following the date the life insurance terminates. During this period, employees may apply for coverage under the portability plan or convert to an individual whole life policy. HRA provides the Notice of Continuation of Coverage form letter at the time the layoff occurs.

The form must be submitted to the life insurance carrier within 31 days of the date coverage terminates, or 15 days after the date the HRA signs the form, whichever is later. Any ported or converted coverage will become effective on the 32nd day following the termination of life insurance. The maximum amount of life insurance that may be continued is the amount in force when the layoff occurs. Ported and converted policies do not include accidental death and dismemberment and/or Long Term Disability (LTD) coverage.

Portability

Employees who are under Social Security Normal Retirement Age (SSNRA) can apply for coverage under the Portability Plan. Employees can choose to continue 50 percent, 75 percent or 100 percent of their life coverage through the portability provision. Portability is not available if the employee is at or above SSNRA, is under SSNRA and applying for long term disability benefits, is entering military service, or if the employee has converted their life insurance coverage to an individual plan. An employee can port a portion of their life insurance coverage, and convert the remainder. Coverage can only be ported one time; if re-employment occurs and ported coverage is dropped, it cannot be ported again.

Life insurance conversion

Any employee who is being laid off can convert their group term life insurance coverage to an individual whole life policy. This is the only option for continuation of life insurance for employees who are at or above Social Security Normal Retirement Age (SSNRA), or who are under age 60 and

applying for long term disability benefits.

Accidental death and dismemberment

In addition to porting or converting life insurance coverage, employees can also convert AD&D coverage. The [AD&D Conversion Policy Information and Instructions](https://das.iowa.gov/human-resources/employee-and-retiree-benefits/employees/group-insurance/life-insurance/accidental) can be found at <https://das.iowa.gov/human-resources/employee-and-retiree-benefits/employees/group-insurance/life-insurance/accidental>.

The HRA completes the employer section of the AD&D Notice of Continuation of Coverage and the employee is responsible for contacting Hartford and submitting any required information directly to them.

Reemployment

Employees recalled from layoff are eligible to enroll for the maximum amount of life insurance available for their class if the period of layoff was 30 days or more. For layoffs of less than 30 days, prior life insurance coverage will be reinstated. Coverage will begin the first of the month following the employee's return to work. To enroll for supplemental life insurance coverage, the employee must submit the enrollment card to the HRA within 30 calendar days of the return. Basic life and LTD coverage will begin the first of the month following the employee's return. Employees reemployed after expiration of their recall rights shall be treated the same as a new employee for life and LTD enrollment and eligibility.

Dependent Care Flexible Spending Account

Employees may continue to seek reimbursement for eligible expenses incurred through the date of layoff. Coverage in the dependent care flexible spending account ceases unless participants meet certain eligibility requirements, such as are employed elsewhere or are actively seeking employment. If recalled within 30 days of the layoff date, employees are automatically reinstated at the same annual election amount. If recalled more than 30 days after the layoff date, employees are eligible to participate in the program and may elect a new amount for the remainder of the calendar year.

Health Care Flexible Spending Account (FSA)

Employees may continue to seek reimbursement for eligible expenses incurred through the last day of the month in which the last payroll deduction is made. Otherwise, coverage in the health care flexible spending account ceases unless the participant is eligible for and elects COBRA coverage, in which case contributions continue (although on a post-tax basis) and make claims for eligible expenses that arise during the period of COBRA coverage. If recalled within 30 days of the layoff date, employees are automatically reinstated at the same annual election amount. If recalled more than 30 days after the layoff date, employees are eligible to participate in the program and may make elect a new amount for the remainder of the calendar year.

Deferred compensation

Participants in the Retirement Investors' Club (RIC) (formerly known as the deferred compensation program) have many options when they terminate from State employment. They have the option to:

- Leave their money in RIC and continue to defer taxes (at age 70-½ they must begin taking required minimum distributions).
- Request total, partial, or systematic payments from their RIC account.
- Roll the RIC account over to an IRA, 401(k), 401(a), 457, 403(b), or 403(a).

If recalled, participants are eligible to begin contributing to RIC again. If they have closed the account, a new one must be opened. If the participant is receiving periodic payments, they may continue, but participants are not eligible to start distributions, however, after returning to work.

Unemployment insurance

Employees who are laid off are entitled to unemployment benefits provided they meet the criteria of "available and able to work." The actual amount is based on the employee's salary and number of dependents.

Workers' compensation

Employees who are receiving workers' compensation prior to a layoff will continue to receive this benefit until a medical release to return to work has been received from the physician. However, any employee who is using vacation or sick leave to supplement a workers' compensation benefit will no longer be able to supplement.

IPERS

Non-vested employees with less than six (6) months of covered service at the time of layoff will receive a refund of their IPERS contributions plus earned interest.

A non-vested employee with less than four years of covered service may leave IPERS contributions in the system. A refund may be requested at any time. Interest will continue to accrue and account will be automatically distributed after 5 years of no service.

Prior to June 30, 2012, employees with four or more years of covered service (or who were working in IPERS covered employment at 55 years of age or older) are vested members of IPERS. After July 1, 2012, employees with seven or more years of covered service (or who are working in IPERS covered employment at 65 years of age or older) are vested members of IPERS. Vested members are allowed to leave their contributions in the system until they apply for retirement benefits, or a refund may be requested at any time. Contributions left in the system earn interest.

Peace Officers' Retirement, Accident and Disability System (POR)

Non-vested members may elect to withdraw their contributions plus earned interest or to leave their contributions in the system. Should a member withdraw their contributions and later return to service no credit will be given for the period covered by the withdrawn contributions. A member who elects not to withdraw contributions who has not been recalled within 4 (four) years ceases to be a member of the retirement system and should contact the Secretary of the Peace Officers Retirement Board to determine his or her options at that time.

Members with four or more years of credited service may elect to vest their retirement or to withdraw their contributions plus earned interest. Should a member withdraw his or her contributions and later return to service no credit will be given for the period covered by the withdrawn contributions.

Reduction in force (Layoff) - State Police Officers Council (SPOC)

Definition of a layoff

A layoff occurs whenever the employer permanently reduces the number of permanent employees in a class, or the number of scheduled hours worked by permanent employees in a class, except as provided in DAS-HRE subrule [11 IAC 60.3\(1\)](#). Rules in the SPOC contract regarding layoff do not apply for a temporary layoff of less than 20 consecutive calendar days.

Planning a permanent layoff

Determine a proposed layoff date. Department planning activities should begin at least eight weeks prior to the proposed layoff date. More time may be required for layoffs of a complex nature. Your personnel officer should be consulted throughout the entire planning and layoff process.

Listed below are some basic steps to follow when planning a layoff:

- Determine the affected job classes and number of positions to be eliminated. The extent of the layoff is based on various factors including, but not limited to:
 - the level of department appropriations
 - workload levels
 - reorganizing, reducing, or eliminating program areas
 - legislative mandates related to department program activities
 - the number of temporary and probationary employees to be terminated.
- Determine the layoff unit. Layoffs may be by organizational unit of an agency or agency wide. When layoff is by organizational unit of an agency it may be no smaller than: by district for State Patrol, Division of Criminal Investigation, Fire Marshal, Division or Narcotics Enforcement, and Department of Natural Resources.
- Affected employees shall be laid off in accordance with seniority, ability, and job performance. When ability and job performance are equal, seniority controls. Seniority for employees covered by the SPOC agreement is determined by the date of original appointment to a permanent position with the State of Iowa. Seniority will be changed only when the employee is separated from state service by discharge, resignation, or layoff. If an employee returns to state service after such a break, a new seniority date will be established. However, if an employee is laid off and recalled within 18 months, the employee will retain his or her original date of employment for the computation of seniority adjusted for the time the employee was off.
- If two or more employees have the same seniority date, the employee with the greatest seniority is determined by the employee who has the lowest last four (4) digits of their social security number.
- Establish the initial layoff line for each affected class within the layoff unit. An initial layoff line is established at the point where the number of employees with the least seniority (unless affected by special skills, ability, and performance) matches the number of positions to be reduced. Employees below the layoff line will be laid off unless they bump in lieu of layoff or find other employment prior to the layoff date. The layoff line is adjusted when:
 - A position above the initial layoff line is vacated allowing the line to be adjusted so that one less employee will be laid off
 - An employee below the initial line is exempted due to special skills/abilities resulting in an employee who initially was above the layoff line being laid off.
- *Develop and submit the proposed layoff plan to DAS-HRE for review and approval.* The plan will then be forwarded by DAS to the Department of Management (DOM) and the Governor's Office for final approval. Allow a minimum of seven to ten days for this approval process. The layoff plan must be approved prior to implementation.
- Develop tentative assignments for employees in positions above the layoff line. It is the appointing authority's right to determine the job duties and specific positions to which employees will be assigned. Management should attempt to assign job duties so that positions will not need to be reclassified.
- Identify tentative employment options for employees below the proposed layoff line.
 - Determine the bumping rights of employees who are initially affected by the layoff. Also, identify other employees within the layoff unit who may be impacted by bumping.
 - Identify vacancies that have cleared transfer and recall provisions to which employees may voluntarily transfer, demote, or promote in accordance with applicable contract language or DAS-HRE rules. NOTE: Tentative assignments and

employment options should not be discussed with employees prior to final approval of the layoff plan.

- Terminate all non-permanent employees in the affected classes in the layoff unit prior to the layoff. The SPOC agreement and the DAS-HRE rules require that temporary (including provisional and trainee), and probationary employees in a class identified for layoff be terminated prior to the layoff of permanent full-time or permanent part time employees. Contact your personnel officer before layoff when temporary employees, contracted employees and/or volunteers are involved.
 - An employee on military leave shall not be terminated as a probationary employee if the time the employee worked added to the military leave time equals or exceeds the required probationary period. In this case, the employee will receive continuous service credit as if still on the job. If the class the employee occupies is affected by layoff, the employee will be listed in seniority order with other employees in the class. If the employee's position is affected by a layoff, the employee will receive the same notice of layoff, and have the same layoff rights, as any other employee affected by the layoff.
 - If the combined period of time worked and military leave does not equal or exceed the required probationary period, the employee will be considered a probationary employee and must be terminated if the class the employee occupies is affected by layoff, prior to the layoff of any permanent employees.
- Employees on Workers' Compensation, FMLA, donated leave or other leave are treated in the same manner and have the same rights as employees who are on the job.
- Departments must notify employees who are on leave that their positions are affected by the layoff. Departments must include applicable bumping and recall rights in the notification.
- SPOC-covered employees exempt from the merit system are subject to the provisions of the applicable collective bargaining agreement.

Drafting the layoff plan

All layoff plans must be approved by the DAS-HRE chief operating officer, the DAS director, the DOM director and the Governor's Office prior to implementation. Plan templates are found in the forms section of this chapter. If a layoff(s) results in the closing of a facility or work location or if a layoff will affect public access to services, a separate letter detailing the closing and/or the effect on access of the public to services must be included with the plan.

Layoff plans shall include the following:

- The name of the agency/department initiating a layoff.
- That the layoff involves employees covered by the SPOC collective bargaining agreement.
- The effective date and reason(s) for the layoff (budgetary, lack of work, etc.).
- The designated layoff unit(s).
- The projected savings.
- The number of employees to be laid off from each class within the layoff unit as shown on a list of employees in seniority order with a layoff line drawn to indicate the employees to be laid off.
- A list of employees in seniority order. Draw a line indicating the number of employees to be laid off.
- Any special skills exemptions for permanent employees as permitted by the collective bargaining agreements and the justification for each position for which an exemption is requested.
- Current span of control and span following proposed layoff.
- Services impacted by the layoff. It is not necessary to detail the effects of bumping that may occur within the layoff unit. The layoff plan should only address positions and classes initially impacted by the layoff.

Notification to employees

After the layoff plan is approved, employees must be notified individually in writing at least 20 calendar days prior to the effective date of the layoff unless budget limitations require a lesser period of notice. Employees who are subsequently impacted by bumping must also receive written notification 20 workdays prior to the effective date of layoff.

Notification letters to employees shall be given directly to employees with an acknowledgement of receipt signed and dated by the employee. If the employee refuses to sign the acknowledgement, the supervisor will note that refusal on the letter, sign and date the letter, and place it in the employee's personnel file. If an employee is not at work on the day that notice is to be given and has not designated someone else to receive notification, every reasonable effort must be made to locate the employee in person. If unable to contact the employee, in order to ensure notice, it may be necessary to send notice via certified mail, return receipt requested. This will ensure that the notice requirement is properly documented. Notice via certified mail may delay implementation of the RIF as it pertains to the unavailable employee(s), since the notice is only effective upon receipt by the employee, or return of the notice by the Postal Service. A copy of the documentation and layoff letter must be placed in the employee's file. After satisfying the notice requirement, the layoff shall proceed.

The notification letter shall contain the effective date and reason(s) for the layoff, the employee's bumping options, and recall rights. A sample notification letter is found in the forms section of this chapter. Employees have five calendar days from the receipt of each notice to advise the department in writing of their election to bump, accept the position assignment, or be laid off.

If an employee receives a layoff notice and then decides to retire, the retirement will be approved if the date of retirement is no later than the date of layoff. Employees who retire in lieu of layoff are not entitled to unemployment benefits or recall.

A specific notice period is not required in order to terminate probationary or temporary employees before affecting their class by layoff. Departments may give notice, but shall not let probationary employees in affected job classes acquire permanent status.

Guidelines on layoff

Individual departments may not enter into side agreements with the unions or employees regarding either layoff or assignment. A retirement or resignation above the layoff line would prevent the layoff of the most senior employee below the layoff line. An employee who accepts another position (other than a bump) prior to the layoff does not have recall rights. Employees who retire prior to or on the layoff date are considered to have retired and not to have been laid off. Such employees are ineligible for recall.

Voluntary layoff

Employees covered by the SPOC agreement may volunteer for layoff for another employee in the same job class; employees who volunteer shall be laid off in order of seniority. The voluntary layoff shall be for a period of at least one (1) year unless recalled earlier by the department. After the period of voluntary layoff has expired, the employee will be returned to his/her position or one of like nature. If there are no positions available, the layoff procedure will be followed.

Reduction in hours

An employee whose scheduled hours are reduced may accept the reduction in hours, may be laid off, or may exercise applicable bumping rights. Employees who accept a reduction in hours are eligible for all

recall rights as if they were laid off. If an employee refuses a reduction in hours, the employee will be laid off with full recall rights.

Note: Reduction in hours of employees exempt from the premium overtime provisions of the federal Fair Labor Standards Act will affect the employee's exemption for overtime purpose through the duration of the period hours are reduced. As such, these employees would be eligible to receive pay at one and one-half the hourly salary for any hours exceeding forty in a workweek during a period of reduction in hours.

Bumping for contract SPOC-covered employees

In lieu of layoff, permanent SPOC employees in affected classes may elect to bump another less senior employee in the bargaining unit. Employees may not bump into positions not in the SPOC bargaining unit. SPOC employees choosing to bump a less senior employee must exhaust their bumping options in the following order:

1. To the same classification within the same division - an employee who elects this type of bump shall be placed at the top of the transfer list for the district from which laid off for 18 months.
2. To the same classification within a different division
3. Any formerly-held class in the department. One pay period spent in a class constitutes a formerly-held class.
4. Any class in the bargaining unit in the department at a lower pay grade for which qualified.

To exercise bumping rights, the employee must notify the department in writing. This election must be received or postmarked within five calendar days of the employee receiving notice of layoff.

An employee may waive the 20-day layoff notice if the employee bumps to a vacant position. The employee cannot bump to a filled position early if it would cause another employee to be bumped with less than a 20-day notice. An employee who is bumping to a filled position may be placed in an overlap position until the 20-day notice expires for the employee who is being displaced by the bumping.

The employee with the lowest seniority will be laid off, regardless of whether an employee is on a paid or unpaid leave or is in work status.

Employees who elect to bump to a different classification or the same classification in a different division, in lieu of layoff shall have the right of reinstatement to the classification he or she formerly occupied, provided they meet the minimum requirements before any other person for 18 months.

Assignment upon bumping

An employee only elects to bump into a classification, not to an individual position. The assignment in the classification will be at the Appointing Authority's discretion. If the employee refuses to accept the position assigned, the employee will be laid off.

An employee who elects to bump may be assigned to a vacant position as long as the position is approved to be filled and contractual requirements and/or rules have been exhausted regarding the filing of a permanent vacancy.

Pay upon bumping

Upon bumping, the pay of an employee who elects to bump will remain the same unless their current rate of pay is higher than the maximum rate of pay for the classification to which they are bumping. If their current rate of pay is higher than the maximum for the class, their pay shall be reduced to the maximum for the class. Generally, the increase eligibility date remains the same for an employee who elects to bump.

If employees are given effective dates for bumping that are in the middle of a pay period, payroll and personnel documents are to be processed at the beginning of the next pay period. Employees shall continue to be paid at their current rate of pay until the end of the pay period in which their date of bumping is effective.

Miscellaneous bumping information

Formerly-held classes that no longer exist may be given an equivalent class designation if an equivalent class exists. Consult your personnel officer with questions concerning equivalent classes.

Formerly-held positions that have been reclassified due to a new class or class series being implemented or retitled shall be reviewed upon request and bumping rights granted to both the old title, if still in existence, and the current title of the class.

Recall

Employees laid off because of a RIF shall be offered a position in the class from which laid off, provided they meet the minimum qualifications for the classification, before a new employee may be hired for the position, if such an opening becomes available within (18) months of the date of such a layoff. When the recall list has two employees in the same contract-covered class with the same seniority date, the employee with the lower last four digits of the social security number shall have first rights to recall.

Pay and benefits upon recall

Generally, the increase eligibility date remains the same for an employee who elects to bump. There are, however, some exceptions in DAS administrative rule [11 IAC 53.7\(5\)"b"](#), which should be reviewed. Pay at the time of recall is set according to DAS administrative rule [11 IAC 53.6\(11\)](#). The employee will continue to be paid at the same rate of pay including any class series, pay grade, or other pay adjustments for which the employee would have been eligible while on layoff, unless the pay may need to be adjusted to fit within the minimum or maximum of a different pay grade.

If an employee bumps in lieu of layoff and is recalled to his/her formerly held class and if the employee's pay is less than that received at the time of the layoff, the employee's pay shall be increased to the rate the employee was receiving before bumping, including any adjustments for which the employee would have been eligible. In no case shall the salary be set below the minimum of the class.

Employees recalled to SPOC positions will be allowed to use up to 40 hours during the remainder of the fiscal year, regardless of the date of recall.

Reasonable accommodations

If a person with a disability is on the recall list and cannot perform the essential functions of the position with reasonable accommodations, the person may be bypassed and remain on the recall list. The department must use the same process for considering reasonable accommodations as used when considering an applicant for employment. The Americans with Disabilities Act (ADA) provides that the decision whether a person with a disability can do the job is a position-by-position determination.

In order to arrive at an informed decision, the department must first have identified the essential functions of the position. These essential functions must be discussed with the person being recalled to determine if the person can perform them. If the person indicates that he/she will have a problem performing any essential function, possible reasonable accommodations must be discussed. A record of discussion and determinations must be kept using established reasonable accommodation procedures.

Miscellaneous recall information

A department must allow the recalled employee a reasonable amount of time (at least two weeks) to start work in order to give a current employer notice, arrange dependent care, etc. The department must submit written reasons to the DAS-HRE Employment Team for approval before a name on the recall list can be bypassed if an employee is not available to report in a reasonable amount of time.

The initial contact and recall offer may be made by phone. If the employee declines, the department must send written notice of recall with delivery confirmation in order to provide for appropriate documentation. If the employee accepts, a written confirmation of the acceptance must be sent with delivery confirmation to the employee.

If the recall notice is sent with delivery confirmation and is undeliverable, the department may bypass the name and notify DAS-HRE. Employees on the recall list are responsible for keeping DAS-HRE informed of any change in address that occurs while on layoff.

Temporary layoff

If necessary, Management may implement temporary layoffs for periods of less than 20 consecutive calendar days. Such layoffs will not need to follow the layoff procedure outlined in the CBA. However, employees will need to be laid off by seniority within classification and organizational unit.

If the department posts work schedules, changes to a posted schedule shall only be made to meet operation needs. As much as possible, employees must be given a five (5) calendar day notice when a change is made to a posted work schedule.

A supervisor may not enter into an agreement with an employee to allow the temporary layoff to be taken in a continuous block in exchange for the employee agreeing not to file for unemployment. Iowa Code section 96.15 strictly prohibits entering into an agreement with an employee to waive rights to unemployment compensation.

Also, temporary layoff plans should be designed to minimize unemployment expenses to the State. If the temporary layoff does not exceed one day per work week, employees generally should not become eligible for unemployment benefits.

Volunteers for temporary layoff

SPOC-covered employees may not take more temporary layoff than required of other similarly-situated employees. Management, however, may consider individual requests for leave without pay just as they would at any other time. Employees may not volunteer for layoff in lieu of other employees taking temporary layoff because a permanent layoff is not being implemented, only a temporary one. SPOC-covered employees may not choose when to be temporarily laid off.

Paid leave

Employees on sick leave or other paid leaves will not be exempt from temporary layoff. An employee supplementing workers' compensation with sick leave or vacation will be temporarily laid off in the same manner as any other employee utilizing paid leave time on a basis proportionate to the amount being supplemented.

Employees will not be temporarily laid off on the day of a holiday, or the first work day before or first work day following a holiday.

Miscellaneous information on temporary layoffs

Job-share positions will be subject to temporary layoff if in an affected class and work unit. Contract-covered employees on temporary layoff may not work even if they want to stay current with their workload. The contracts, the Iowa Wage Payment Collection Act, and the Fair Labor Standards Act (FLSA) require that employees be paid for hours worked.

Related Administrative Rules

11 IAC 53	Pay
11 IAC 55	Eligible Lists
11 IAC 59	Promotion, Transfer, Temporary Assignment, Reassignment and Voluntary Demotion
11 IAC 60	Separations, Disciplinary Actions and Reductions in Force
11 IAC 61	Grievances and Appeals
11 IAC 63	Leave

Additional resources

[Sample Layoff Letter - Merit](#)
[Sample Layoff Letter - SPOC](#)
[Sample Layoff Plan - Merit](#)
[Sample Layoff Plan - SPOC](#)
[Sample Recall Letter](#)
[Sample Layoff Plan Memo for DAS](#)

Forms referenced in this chapter

552-0106	Retention Point Calculation Worksheet
552-0231B	Recall and Promotional Instructions for Merit-Covered Employees
552-0072	Application for State Employment
552-0752	Reduction in Force Plan – Merit-Covered Employees

***If you have any questions or need further assistance, please contact
your assigned DAS-HRE personnel officer***

Health and Safety

Safety is everyone's responsibility

Managers and supervisors play a critical role in implementing the agency's health and safety program and supporting the safety culture.

Managers' key roles include leading, promoting, and resolving safety issues in their workplace. The level of commitment to the health and safety program may be demonstrated when managers are involved in activities including:

- Reviewing safety management policies and procedures.
- Identifying critical safety management issues.
- Talking to employees regularly about health and safety issues.
- Providing information and resources.
- Acknowledging employees for following safe work practices and procedures.
- Tracking and celebrating the success of the safety program.

Supervisors may be responsible for developing and instilling appropriate safety attitudes in their employees. They must know the safety procedures for the tasks that they supervise, including the need for any personal protective equipment used for those tasks. They may also be responsible for:

- Training new employees.
- Enforcing safety policies, procedures and regulations.
- Conducting planned safety inspections or observations.
- Correcting all unsafe acts that they observe.
- Conducting safety meetings with their employees.
- Investigating unsafe acts or conditions (incidents) as soon as possible after an accident occurs to prevent recurrence.

The following steps have to be addressed if applicable to agency:

(For assistance with any component in this section see Additional Resources below)

Step	Action
1	Develop, implement, and review all required written safety and health programs.
	• Conduct Job Safety Analysis to identify hazards inherent to tasks being performed in workplace. • Develop required written safety and health programs making specific to your work procedures. • Identify mandatory regulatory programs required for workplace based on identified hazards. • Implement safety and health programs, provide employee training as required, recognize and reinforce needed change in employee behavior. • Review and update programs on a periodic basis to meet regulatory compliance and address existing hazardous conditions. • Contact the DAS HRE Safety Officer, 515-343-7394 or cindy.houlson@iowa.gov, with any questions pertaining to this section.
2	Conduct periodic safety and health walk-through assessments of workplace.
	• Compile a comprehensive checklist to utilize during walkthrough assessment based on hazards that could be present in workplace and OSHA regulations.

	• Involve those who know the workplace the best and conduct walkthrough. • Document findings following walk-through and prioritize fixes. • Assign accountability for fixes and track to assure completion. • Check for completion of fixed items on next walkthrough, set a goal for eliminating hazards and employee exposure in the workplace. • Contact the DAS HRE Safety Officer, 515-343-7394 or cindy.houlson@iowa.gov, with any questions pertaining to this section.
3	Report all injuries and/or illnesses to your agency's Human Resource Assistant immediately for entry onto the OSHA log.
	• See HR Information for Managers – workers' compensation for more detail on forms and method for reporting injury or illness. • Provide copy of First Report of Injury to agency's Human Resource Assistant for entry into OSHA 300 log. • Report to IOSH every fatality within 8 hours. Report every amputation, admittance into hospital, eye loss within 24 hours. (see Record Keeping Decision Tree for details) • Conduct an incident investigation based on First Report of Injury and Illness form to identify hazards and eliminate potential for incident reoccurrence. • Maintain separate secure file for privacy cases with confidential health records/ testing that pertain to individual employee health conditions. • Contact the DAS HRE Safety Officer, 515-343-7394 or cindy.houlson@iowa.gov, with any questions pertaining to this section.
4	Investigate employee inquiries, suggestions, and complaints.
	• Encourage employees to embrace their role in the safety culture by establishing a process to investigate inquiries, suggestions, and complaints. • Contact the DAS HRE Safety Officer, 515-343-7394 or cindy.houlson@iowa.gov, with any questions pertaining to this section.
5	Maintain required safety and health documents, records, and files.
	• Review written programs and OSHA standards to determine retention schedule. • Review and reconfirm retention schedule on an annual basis to determine if OSHA standards have changed requirements. • Contact the DAS HRE Safety Officer, 515-343-7394 or cindy.houlson@iowa.gov, with any questions pertaining to this section.

Best practices would also suggest:

- Establishing an effective Safety Committee.
- Building safety measures into employee annual performance reviews.
- Establishing a program for reporting and investigating "near-miss" occurrences to identify hazards and eliminate potential for a more serious incident to occur.

Additional resources:

Federal Occupational Health and Safety Administration: www.osha.gov. Comprehensive health and safety web site provides regulations, interpretations, training, and additional tools and guidance to assist in achieving compliance.

State of Iowa Department of Labor, Iowa OSHA Consultation and Education: www.iowaosha.gov/iowa-osha. Provides free confidential assistance with health and safety regulatory compliance issues and training resources.

Contact the DAS-HRE safety officer at 515-343-7394 or cindy.houlson@iowa.gov. Provides confidential consultative services to State agencies and staff focused on health and safety compliance issues including: comprehensive health and safety programs; hazard identification; incident investigations; regulatory legislation; enforcement activities, workplace walkthroughs; ergonomic evaluations; and, health and safety related training and/ or resources.

HR Information for Managers - workers compensation: <https://das.iowa.gov/human-resources/hr-info-management#workcomp>. Provides more detail on forms and method for reporting injury or illness.