



July 8, 2020

Paul Trombino, Interim Director
Department of Administrative Services

RE: Petition for Waiver of DAS Administrative Rules 11—103.8 Mandatory Training; 103.12 Corrective Actions

Dear Interim Director Trombino,

The Department of Administrative Services—Central Procurement and Fleet Services Enterprise (“CPFSE”), pursuant to Iowa Administrative Code (IAC) chapter 11—9, requests a waiver from certain requirements detailed below in Iowa Administrative Code rules 11—103.8 and 103.12, for an indefinite period not to exceed June 30, 2021, pending CPFSE’s comprehensive review and request for revision of state driving guidelines set forth in Iowa Administrative Code chapter 11—103.

Specifically, this request is to:

- 1) Waive Mandatory Training requirements per IAC 11-103.8 as currently defined, and
- 2) Modify Defensive Driving requirements for Corrective Actions per IAC 11-103.12, substituting online classes offered by the National Safety Council in lieu of Dept. of Public Safety classroom training, which has been suspended since March due to the pandemic. Both the online course and classroom training follow the same curriculum.

This waiver request meets the waiver criteria set forth in Iowa Administrative Code rule 11—9.4(1) in the following ways:

- (a) Application of the subject rules poses an undue hardship upon State employees as presently written. In person training poses a health risk to all employees, including State Troopers required to provide training during a pandemic. In person training is only available during select dates and in limited regional locations, requiring travel for many employees and presenting additional resource pressures on agency budgets and staff. Online classes may be provided on demand at a lower cost than classroom training.
- (b) Waiver of the subject rules would not prejudice the substantial legal rights of any person;
- (c) The subject rules are not specifically mandated by statute or other provision of law; and

(d) Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the subject rules for which waiver is requested. The requirement for a valid state driver's license (IAC 11-103.6) would remain in effect, and drivers licenses would be subject to Iowa Department of Transportation checks (IAC 11-103.11) to identify citations requiring corrective actions.

Based upon the preceding, CPFSE respectfully requests a waiver from the above-referenced rules for an indefinite period not to exceed June 30, 2021, to permit comprehensive review and revision of IAC 11-103 in its entirety.

Sincerely,

Allen Meyer
DAS CPFSE COO

Enclosures 11 IAC 103.8, .12

cc: Tami Wiencek