



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Geri Huser

Contact Information: 516-725-7304

Hiring Authority: Geri Huser

Administrative Rule to be Waived: 11-63.3(11)

Statement of Rule:

Employees may also use accrued sick leave, not to exceed a total of 40 hours per fiscal year, for the following purposes:
a. When a death occurs in the immediate family; b. For the temporary care of, or necessary attention to, members of the immediate family

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

All State employees who qualify for sick leave.

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

Removal of the 40 hour cap for care and necessary attention of an immediate family members for the specific purpose of COVID-19.

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

The State of Iowa is requesting any staff members who are ill to stay home. In addition employees who have experienced a potential exposure or diagnosis of COVID-19 or have an immediate family member who has a potential exposure or diagnosis of COVID-19, self-isolate for a minimum period of 14 days. Removing the 40 hour cap will allow employees to utilize their sick leave to care for a family member with a potential exposure or diagnosis of COVID-19 for the duration of the care and self-isolation of an immediate family member. ***Continued on 2nd page***

Department Director Signature Geri D. Huser Date 3-13-2020

DAS-HRE Bureau Chief Signature Jessica Jingo Date 3-13-2020

Decision:

- Granted
- Denied

Signature of DAS Director's Designee/COO of DAS-HRE Christy Nunn Date 3-13-2020

In accordance with the requirements of Iowa Code sec. 17A.9A and Iowa Administrative Code chapter 11--9, this waiver request meets the applicable rule waiver requirements:

1. The application of this rule would pose an undue hardship on employees by not allowing affected employees to use their accrued sick leave to care for family members who may require care for a period of 14 days in accordance with guidance from the public health officials.
2. The waiver of the 40 hour cap in this rule would not prejudice the substantial legal rights of any person. The waiver would merely allow employees to use their already accrued sick leave balance to care for immediate family members.
3. The 40 hour cap on care and necessary attention for immediate family members is not mandated by any statute or other provision of law.
4. By waiving the 40 hour cap in Iowa Administrative Code r. 11--63.3, substantially greater protection of public health, safety, and welfare will be afforded.