

2/21/02 Amend/Do Pass
W/H. 8079
3/6/02 MTR by Dip - Failed

FEB 5 2002
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 2217
BY MILLAGE

Failed (P. 653)
Passed House, Date 3-6-02 Passed Senate, Date _____
Vote: Ayes 44 Nays 49 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the payment of overtime to state employees and
2 the applicability of the federal Fair Labor Standards Act and
3 providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2217

1 Section 1. Section 70A.1, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 Salaries specifically provided for in an appropriation Act
4 of the general assembly shall be in lieu of existing statutory
5 salaries, for the positions provided for in the Act, and all
6 salaries, including longevity where applicable by express
7 provision in the Code, shall be paid according to the
8 provisions of chapter 91A and shall be in full compensation of
9 all services, including any service on committees, boards,
10 commissions or similar duty for Iowa government, except for
11 members of the general assembly. A state employee on an
12 annual salary shall not be paid for a pay period an amount
13 which exceeds the employee's annual salary transposed into a
14 rate applicable to the pay period by dividing the annual
15 salary by the number of pay periods in the fiscal year.
16 ~~Salaries-for-state-employees-covered-by-the-overtime-payment~~
17 ~~provisions-of-the-federal-Fair-Labor-Standards-Act-shall-be~~
18 ~~established-on-an-hourly-basis.~~ The state may pay overtime
19 wages to state employees in designated job classifications.
20 The department of personnel shall determine which job
21 classifications are eligible for overtime payments based upon
22 state administrative rules or applicable collective bargaining
23 agreements. The state does not waive its immunity from claims
24 arising pursuant to the federal Fair Labor Standards Act in
25 state or federal court.

26 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment

28 EXPLANATION

29 This bill provides that the state has the authority to
30 determine whether to pay overtime to state employees in
31 designated job classifications. The bill provides that the
32 department of personnel shall determine which job
33 classifications are eligible for overtime based upon
34 applicable administrative rules or collective bargaining
35 agreements. The bill further provides that the state does not

1 waive its immunity in state or federal court from claims
2 arising under the federal Fair Labor Standards Act.

3 The bill takes effect upon enactment.

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H-8079

1 Amend House File 2217 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 70A.1, unnumbered paragraph 1,
5 Code 2001, is amended to read as follows:

6 Salaries specifically provided for in an
7 appropriation Act of the general assembly shall be in
8 lieu of existing statutory salaries, for the positions
9 provided for in the Act, and all salaries, including
10 longevity where applicable by express provision in the
11 Code, shall be paid according to the provisions of
12 chapter 91A and shall be in full compensation of all
13 services, including any service on committees, boards,
14 commissions or similar duty for Iowa government,
15 except for members of the general assembly. A state
16 employee on an annual salary shall not be paid for a
17 pay period an amount which exceeds the employee's
18 annual salary transposed into a rate applicable to the
19 pay period by dividing the annual salary by the number
20 of pay periods in the fiscal year. Salaries for state
21 employees covered by the overtime payment provisions
22 of the federal Fair Labor Standards Act shall be
23 established on an hourly basis. However, the state
24 does not and has never intended to waive sovereign
25 immunity from claims arising under the federal Fair
26 Labor Standards Act by any state employee employed in
27 a bona fide managerial capacity as defined in this
28 section.

29 Sec. 2. Section 70A.1, Code 2001, is amended by
30 adding the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. For purposes of this
32 section, a "state employee employed in a bona fide
33 managerial capacity" means a state employee employed
34 in a position in which the employee performs the
35 duties of a bona fide executive, bona fide
36 administrator, or a bona fide professional, as those
37 duties are described in 29 C.F.R. § 541.1, 541.2, and
38 541.3. The status of an employee employed in a bona
39 fide managerial capacity is unaffected by the
40 disciplinary policies applicable to such an employee,
41 including, but not limited to, policies that may
42 result in suspension from employment without pay.

43 Sec. 3. EFFECTIVE DATE -- RETROACTIVE
44 APPLICABILITY. This Act, being deemed of immediate
45 importance, takes effect upon enactment, and is
46 retroactively applicable to claims arising on or after
47 January 1, 1990, and applies to all litigation pending
48 on the effective date of this Act."

49 2. Title page, by striking lines 1 through 3, and
50 inserting the following: "An Act relating to the

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H-8079

Page 2

1 applicability of the federal Fair Labor Standards Act
2 to certain state employees and including an effective
3 date and retroactive applicability provision."

By COMMITTEE ON LABOR AND INDUSTRIAL
RELATIONS

TYRRELL of Iowa, Chairperson

H-8079 FILED FEBRUARY 21, 2002

Adopted
3-6-02 (p. 652)

HOUSE FILE 2217

H-8199

1 Amend the amendment, H-8079, to House File 2217 as
2 follows:

3 1. Page 1, lines 46 and 47, by striking the words
4 "on or after January 1, 1990" and inserting the
5 following: "prior to the effective date of this Act".

By MILLAGE of Scott

H-8199 FILED MARCH 6, 2002

Adopted
3-6-02 (p. 652)

HOUSE FILE 2217

H-8097

1 Amend the amendment, H-8079, to House File 2217 as
2 follows:

3 1. Page 1, line 27, by striking the word
4 "managerial", and inserting the following:

5 "executive, administrative, or professional".

6 2. Page 1, line 33, by striking the word
7 "managerial", and inserting the following:

8 "executive, administrative, or professional".

9 3. Page 1, by striking lines 38 through 40, and
10 inserting the following: "541.3. An employee's
11 status as an employee employed in a bona fide
12 executive, administrative, or professional capacity is
13 unaffected by employment policies that permit
14 deductions from the employee's pay for absences from
15 work,".

16 4. Page 1, line 41, by inserting before the word
17 "policies" the following: "disciplinary".

By MILLAGE of Scott

H-8097 FILED FEBRUARY 26, 2002

Adopted
3-6-02 (p. 652)

