



Iowa Department of Human Services

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GENERAL LETTER NO. 1-B-16

ISSUED BY: Bureau of Policy Coordination

SUBJECT: Employees' Manual, Title 1, Chapter B, **POLICY DEVELOPMENT**, Title page, revised; Contents (page 1), revised; and pages 1 through 26, revised.

Summary

Chapter 1-B is revised to:

- ◆ Update the section on Policy Manuals to reflect current practices.
- ◆ Clarify what information is needed from a person who requests an exception to policy versus the information needed for the person whom the exception is being requested.
- ◆ Update information regarding how decisions are made on exceptions to policy.
- ◆ Update the chapter format for ease of use on line.

Effective Date

Immediately.

Material Superseded

This material replaces the following pages from Employees' Manual, Title 1, Chapter B:

<u>Page</u>	<u>Date</u>
Title page	June 8, 1999
Contents (page 1)	March 5, 2002
Contents (page 2)	June 8, 1999
1-3	June 8, 1999
4-8	March 5, 2002
9-22	June 8, 1999
23	March 5, 2002
24-39	June 8, 1999

Additional Information

Refer questions about this general letter to the Bureau of Policy Coordination.

Revised November 4, 2016

Employees' Manual
Title 1
Chapter B

POLICY DEVELOPMENT



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Overview

The Department of Human Services has responsibility for administering various laws. As these laws change, or new ones are added, the Department must change its policies and procedures accordingly. Since many Departmental programs are partially federally funded, policies and procedures also change as federal laws and regulations change.

The Department has developed an official, systematic method of communicating policies and procedures, and changes to them, to its staff. This chapter contains an explanation of the communications system, as well as other related material.

Administrative Rules

The Administrative Procedures Act, Iowa Code Chapter 17A, requires all state agencies to promulgate rules for the operation of their programs. The rule-making process:

- ◆ Increases agencies' accountability to the public.
- ◆ Allows public participation in the formulation of rules.
- ◆ Provides legislative oversight for program operations through review by the Administrative Rules Review Committee, composed of five senators and five representatives.

Before the Department's rules are adopted, they are published in the ***Iowa Administrative Bulletin*** as a "notice of intended action." The notice must include a preamble giving a brief explanation of the reasons for the Department's actions. Any interested persons may submit comments on the proposed rules within time frames set forth in the notice.

All notices must allow at least 20 days for persons to submit comments or to request an oral presentation. The Department may not adopt the rules until 35 days after the date the notice of intended action is published. Three bodies have the authority to make rules for the Department:

- ◆ The Council on Human Services
- ◆ The Mental Health and Mental Disability Services Commission
- ◆ The ***hawk-i*** Board

Following notice and adoption, the final rules are again published in the ***Iowa Administrative Bulletin***. They become effective at a date specified with the final rule. Normally the Department must allow at least 35 days from the date of publication for people to prepare to implement the rules.

After the rules are effective, they become the administrative law that forms the basis for Departmental policies. The Legislative Service Agency publishes a compilation of all the current rules of all state agencies in the Iowa Administrative Code.

State law allows waiver of the notice period if the agency can show that the time for comment is:

- ◆ Unnecessary,
- ◆ Impracticable, or
- ◆ Contrary to the public interest.

The implementation period may be waived if the agency can show that:

- ◆ The change is required by statute to be implemented by emergency rules,
- ◆ The change confers a benefit or removes a restriction on all persons affected by the rules, or
- ◆ Imminent peril to the public health, safety or welfare exists.

It takes approximately six months to get a rule through the regular rule-making process, from the time the draft rule is submitted to the Bureau of Policy Coordination. Waiving either the notice or the implementation period shortens the time frame to four months. Waiving both the notice and implementation periods shortens the time to two months.

The following sections explain the requirements for:

- ◆ [The public rule-making docket](#)
- ◆ [Public participation in the rule-making process](#)
- ◆ [A fiscal impact statement](#)

Public Rule-Making Docket

Legal reference: 441 IAC 3.3(17A)

The Department maintains a current rule-making docket for public inspection on its Internet website at <http://dhs.iowa.gov/administrative-rules>

This docket lists each pending rule-making proceeding. It includes rules from the time the Bureau of Policy Coordination submits the rules to the administrative rules coordinator in the governor's office for filing to the time the Department terminates the proposed rules or they become effective. For each rule-making proceeding, the docket indicates:

- ◆ The subject matter of the rule.
- ◆ Citation of all published notices relating to the proceeding.
- ◆ The current status of the rule.
- ◆ The date on which the rule will become effective.

Public Participation

Legal reference: 441 IAC 3.5(17A)

Anyone wishing to comment on the Department's rules can do so by submitting written comments or by attending any of the oral proceedings scheduled by the Department.

In addition to receiving written comments and oral presentations on a proposed rule, the Department may obtain information concerning the rule through any other lawful means deemed appropriate under the circumstances.

The Department may send notices of proposed rule making and a request for comments to any agency, organization, or association with a direct interest or expertise pertaining to the substance of the proposed rule.

The following sections give more information on:

- ◆ [Procedures for submitting written comments](#)
- ◆ [Scheduling oral presentations](#)
- ◆ [Notice of oral presentations](#)
- ◆ [Conduct of oral presentations](#)

Written Comments

People may submit arguments, data, and views on the Department's proposed rules in writing or via electronic transmission for at least 20 days after publication of the notice of intended action. These comments should identify the proposed rule to which they relate.

Submit comments:

- ◆ By mail to the DHS Bureau of Policy Coordination, 1305 E. Walnut St., Des Moines, Iowa 50319-0114, or
- ◆ By electronic mail to the Department's rules administrator at policyanalysis@dhs.state.ia.us, or
- ◆ By fax to 515-281-4980

Scheduling Oral Proceedings

The Department may schedule an oral proceeding on a proposed rule at any time.

For a rule directly affecting indigent clients, the Department schedules proceedings in each of the five service areas. For rules not directly affecting indigent clients, the Department determines for each rule whether it is necessary to hold proceedings in all five locations.

Anyone may object to the Department's decision before the date of the proceedings by writing the same address specified in the notice of intended action for receiving written data, views, or arguments. The Department will review the adequacy of the number of locations in light of the comments received.

The Department must schedule an oral proceeding if a written request for an opportunity to make oral presentations is submitted to the Department within 20 days after the published notice of intended action by:

- ◆ The Administrative Rules Review Committee,
- ◆ A governmental subdivision,
- ◆ A state agency,
- ◆ An association having not less than 25 members, or
- ◆ At least 25 people.

When one or more individuals makes a request, it must be signed by each person and include each person's address and telephone number.

A request by an association must be signed by an officer or designee of the association. It must contain a statement that the association has at least 25 members and the address and telephone number of the person signing that request.

When a state agency or governmental subdivision makes a request, an official having authority to act on behalf of the entity must sign it. It must contain the address and telephone number of the person signing the request.

The Department may waive technical compliance with these procedures.

A request is timely when the Department receives it by the date specified in the notice of intended action for submission of written data, views, or arguments. The Department will not accept requests for oral presentations received after the deadline and will return them to the requester.

The Bureau of Policy Coordination contacts each location for a meeting to have the office schedule a time and place for the meeting. At that time, Policy Coordination tells the office the subject of the rule change, whether more than one meeting should be held in each location, and any other special requirements for the meeting. Whenever possible, Policy Coordination allows five working days for scheduling.

The Department schedules oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the Bureau of Policy Coordination at (515) 281-5425 in advance to arrange access or other needed services.

Notice of Oral Proceedings

The Bureau of Policy Coordination is responsible for having the notice published in the ***Iowa Administrative Bulletin***.

Conduct of Oral Proceedings

At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions. These may include data, views, comments or arguments concerning the proposed rule. Oral proceedings are open to the public and are recorded by stenographic or electronic means.

Either the presiding officer or another employee present should be familiar with the program involved to answer questions that may arise. However, this meeting is a chance for interested persons to present their opinions on the proposed rules. The person conducting the meeting is not expected to defend the proposal.

The Bureau of Policy Coordination provides the presiding officer with an opening statement to be read at the beginning of the meeting.

Persons wishing to make oral presentations at the proceeding are encouraged to notify the Department at least one business day before the proceeding and indicate the general subject of their presentations.

People attending the oral proceeding are asked to sign a sign-in sheet requesting the person's name, address, and agency affiliation. At the beginning of the oral proceeding, the presiding officer gives:

- ◆ A brief synopsis of the proposed rule.
- ◆ The reasons for the Department decision to propose the rule.

People who participate shall:

- ◆ Indicate their names and addresses,
- ◆ Identify any persons or organizations they represent, and
- ◆ Provide any other information relating to their participation deemed appropriate by the presiding officer.

Participants in an oral proceeding do not have to take an oath or submit to cross-examination.

The presiding officer has the authority to take any reasonable action necessary for the orderly conduct of the meeting.

The presiding officer may place time limits on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of others as well as their own views.

The presiding officer may continue the oral proceeding to a later time without notice other than by announcement at the hearing.

Whenever possible, persons making oral presentations should submit their testimony in writing. Participants shall submit any physical and documentary presentations to the presiding officer. These submissions become the property of the Department. The presiding officer may request the filing of written statements after the adjournment of the oral presentations.

If a reporter come to the oral presentation and wishes to conduct an interview, the reporter should be asked to wait until the presentations are concluded before conducting the interview.

After the presentations are completed, the presiding officer must transcribe minutes or a summary of the main points of each presentation.

When transcribing minutes, you may omit the Department's statement and any presentation being sent in written form. If there were no participants, submit a memo to that effect. Send in staff comments separately from public comments.

Fiscal Impact Statement

Legal reference: 441 IAC 3.7(17A)

The Department must publish a fiscal impact statement with any rule it notices that mandates additional combined expenditures exceeding \$100,000 by all:

- ◆ Affected political subdivisions, or
- ◆ Agencies and entities which contract with political subdivisions to provide services.

If the Department determines when it adopts the rule that the fiscal impact statement contains errors, the Department will publish a corrected fiscal impact statement at the same time.

Petition for Rule Making

Legal reference: 441 IAC Chapter 4

Any person or agency may file a petition for rule making with the Department by sending a petition to the Bureau of Policy Coordination in central office. The petition must:

- ◆ Be typewritten or legibly handwritten in ink.
- ◆ Be dated and signed by the petitioner or the petitioner's representative.
- ◆ Substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES	
Petition by (name of petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter)	PETITION FOR RULE MAKING

The petition must provide the following information:

- ◆ A statement of the specific rule-making action sought by the petitioner, including the text or a summary of the contents of the proposed rule or amendment to a rule. If the petition is to amend or repeal a rule, the statement shall include:
 - A citation.
 - The relevant language of the particular portion or portions of the rule proposed to be amended or repealed.
- ◆ A citation to any law deemed relevant to the Department's authority to take the action urged or to the desirability of that action.
- ◆ A brief summary of the petitioner's arguments in support of the action urged in the petition.
- ◆ A brief summary of any data supporting the action urged in the petition.
- ◆ The names and addresses of other persons (or a description of any class of persons) the petitioner knows to be affected by or interested in the action urged in the petition.
- ◆ Any request by petitioner for a meeting.
- ◆ The name, mailing address, and telephone number of the petitioner and the petitioner's representative.

The petition must also indicate the person to whom the Department should direct communications about the petition. The petitioner may attach a brief to the petition in support of the action urged in the petition. The Department may request a brief from the petitioner or from any other person concerning the substance of the petition.

Petitions are deemed filed when received by the Bureau of Policy Coordination. Make any inquiries concerning the status of a petition for rule making to Policy Coordination. Policy Coordination will provide the petitioner with a file-stamped copy if the petitioner provides the Department an extra copy for this purpose.

Within five working days after the filing of a petition, the Department must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and the Administrative Rules Review Committee.

The Department may deny a petition because it does not substantially conform to the required form.

The following sections give more information on:

- ◆ [Review of the petition](#)
- ◆ [Decision on the petition](#)

Review of Petition

Legal reference: 441 IAC 4.4(1)

Upon request by the petitioner in the petition, the Department must schedule a brief and informal meeting between the petitioner and the Department to discuss the petition. The Department may request the petitioner to submit additional information or arguments concerning the petition.

The Department may also solicit comments from any person on the substance of the petition. Also, any person may submit to the Department comments on the substance of the petition.

Decision on Petition

Legal reference: 441 IAC 4.4(2) and (3)

Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the Department must grant or deny the petition.

To grant the petition, the Department must notify the petitioner in writing that it has instituted rule-making proceedings on the subject of the petition. The petitioners are deemed notified of the denial or granting of the petition on the date when the Department mails or delivers the required notification to the petitioner.

To deny the petition, the Department must notify the petitioner in writing of its action and the specific grounds for the denial. When the Department denies a petition because it does not substantially conform to the required form, the petitioner may file a new petition on the same subject.

Declaratory Orders

Legal reference: 441 IAC Chapter 5

Any person may file a petition with the Department for a declaratory order as to the applicability of any statute, rule, or order within the primary jurisdiction of the Department.

The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES	
Petition by (name of petitioner) for a Declaratory Order on (cite provisions of law involved)	PETITION FOR DECLARATORY ORDER

EXCEPTION: A person may request an application of agency policy to specific facts by submitting a letter. The letter should recite all pertinent facts.

The petition must provide the following information:

- ◆ A clear and concise statement of all relevant facts on which the order is requested. For public assistance policy rulings, the request should state facts such as the amount of income and resources of a person who may be affected by the policy.
- ◆ A citation and the relevant language of the specific statutes, rules, or orders whose applicability is questioned, and any other relevant law.
- ◆ The questions the petitioner wants answered, stated clearly and concisely.
- ◆ The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers. The Department will deny requests that seek to change rather than to declare policy.
- ◆ The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
- ◆ A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue.
- ◆ A statement indicating whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any governmental entity.
- ◆ The names and addresses of other persons (or a description of any class of persons), the petitioner knows to be affected by or interested in the questions presented in the petition.
- ◆ Any request by the petitioner for a meeting.
- ◆ The petitioner's state identification number, if applicable.

The petitioner or any intervenor may file a brief to the petition in support of the position urged in the petition. The Department may request a brief from the petitioner or from any other person concerning the questions raised in the petition.

The petition must:

- ◆ Be dated and signed by the petitioner or the petitioner's representative.
- ◆ Include the name, mailing address, and telephone number of the petitioner and the petitioner's representative.
- ◆ Indicate the person to whom the Department should direct communications about the petition.

The petitioner must send the petition to the Bureau of Policy Coordination in the Hoover Building. Petitions are deemed filed when received by Policy Coordination. Policy Coordination will provide the petitioner with a file-stamped copy if the petitioner provides the Department an extra copy for this purpose. The petitioner should make any inquiries concerning the status of a petition for a declaratory order to Policy Coordination.

If the petitioner has not served notice on everyone required by law to be notified, the Department will give notice of the petition to those not served by the petitioner. The Department will issue these notices within five working days of receiving the petition.

The following sections explain procedures for:

- ◆ [Review of the petition](#)
- ◆ [Making a decision on the petition](#)

Review of Petition

Legal reference: 441 IAC 5.7(17A)

If the petitioner requests it in the petition, the Department shall schedule a brief and informal meeting between the petitioner and the Department to discuss the questions raised. The Department may request the petitioner to submit additional information or argument concerning the petition.

The Department may solicit comments from any person on the questions presented in the petition. Also, any person may submit comments on those questions to the Department.

Decision on Petition

Legal reference: 441 IAC 5.8(17A) and 5.10(17A)

Within 30 days after the filing of the petition, the Department must either issue a ruling on the petition in writing or refuse to do so. The Department is deemed to have issued an order or to have refused to do so on the date the Department mails or delivers the order or refusal to petitioner. A declaratory order is effective on the date of issuance.

In addition to the order itself, a declaratory order must contain:

- ◆ The date of its issuance,
- ◆ The name of petitioner,
- ◆ The specific statutes, rules, policies, decisions, or orders involved,
- ◆ The particular facts upon which it is based, and
- ◆ The reasons for its conclusion.

Good Cause for Refusal to Issue Order

Legal reference: 441 IAC 5.9(17A)

The Department may refuse to issue a declaratory order for good cause. Good cause includes, but is not limited to, the following reasons:

- ◆ The petition does not substantially comply with the required form.
- ◆ The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the Department to issue an order.
- ◆ The Department does not have jurisdiction over the questions presented in the petition.
- ◆ The questions presented by the petition are also presented in a current rule making, contested case, or other Department or judicial proceeding that may definitively resolve them.
- ◆ The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- ◆ The facts or questions presented in the petition are unclear, over broad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
- ◆ There is no need to issue an order, because the questions raised in the petition have been settled due to a change in circumstances.
- ◆ The petition is not based upon facts calculated to aid in the planning of future conduct, but is instead based solely upon previous conduct, in an effort to establish the effect of that conduct or to challenge a Department decision already made.

- ◆ The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons:
 - Who have not joined in the petition or filed a similar petition and
 - Whose position on the questions presented may fairly be presumed to be adverse to that of the petitioner.
- ◆ The petitioner requests the Department to determine whether a statute is unconstitutional on its face.

A refusal to issue a declaratory order must indicate the specific grounds for the refusal and constitutes final Department action on the petition.

Refusal to issue a declaratory order pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the Department's refusal to issue an order.

Effect of Declaratory Order

Legal reference: 441 IAC 5.12(17A)

A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the Department, the petitioner, and any intervenors who consent to be bound.

The order applies only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the Department. The issuance of a declaratory order constitutes final Department action on the petition.

Exceptions to Policy

Legal reference: 441 IAC 1.8(217)

The director of the Department may grant exceptions to the Department's rules in individual cases upon the director's own initiative or upon request.

The Department cannot write policies to cover all factual circumstances for every situation that may arise, particularly in light of cost-saving efforts in the administration of public assistance programs. By making exceptions, the Department can sensibly decide the public interest with respect to extraordinary situations. Occasionally, practices that are not generally cost-effective, and therefore are not Department policy, prove to be less costly than an approved practice.

The following sections explain:

- ◆ [Procedures for completing a request for exception](#)
- ◆ [Factors considered in granting exceptions](#)
- ◆ [Decisions on granting exceptions](#)
- ◆ [Interaction between exceptions and appeals](#)

Completion of Request

Legal reference: 441 IAC 1.8(1)"a," "c," "d"

Any person or agency may file a request for an exception with the Department. To file a request for an exception, the person or agency shall submit the request in writing to the Appeals Section. The request may be made on form 470-3888, *Petition for Exception to Policy*, but the use of this form is not mandatory. The Appeals Section sends an immediate acknowledgement of the request to the requester.

Ordinarily the person desiring the exception shall prepare the request. If a person asks for help in preparing a request, assist the person. If you believe that an exception to policy is warranted, but the client is unable to make the request and has no representative, you may prepare a request on the client's behalf. Requests may also originate at the division level (for example, to settle a lawsuit).

A request for an exception should include the following information, where applicable and known to the requester:

- ◆ The name, company or agency name, if applicable, mailing address, email address, and phone number of the person requesting the exception.
- ◆ The name, social security or state identification number, and birthdate of the person for whom an exception is being requested.
- ◆ The specific rule to which an exception is requested (or the substance of the rule).
- ◆ The specific exception requested.
- ◆ Facts relevant to the factors to be considered in granting the exception. (Refer to the following section for information on factors that are considered.)
- ◆ A history of the Department's action on the case.
- ◆ Any information the requester has about the Department's treatment of similar cases.
- ◆ The name, address, and phone number of any person inside or outside the Department with knowledge of the matter or for which the exception is being requested.
- ◆ Releases of information authorizing persons with knowledge regarding the request to furnish the Department information pertaining to the request.

Factors Considered in Granting Exceptions

Legal reference: 441 IAC 1.8(2)

Exceptions are granted at the complete discretion of the director after consideration of all relevant factors. These include, but not limited to, the following:

- ◆ The need of the person or entity directly affected for the exception. (Exceptions are granted only in cases of extreme need.)
- ◆ Whether there are exceptional circumstances justifying an exception to the general rule applicable in otherwise similar circumstances.
- ◆ Whether granting the exception would result in net savings to the state or promote efficiency in the administration of programs or service delivery. (Net savings or efficiency makes an exception more likely.)

- ◆ In the case of services, assistance, or grants, whether other possible sources have been exhausted. (Exceptions are not generally granted if other sources are available.)
- ◆ The cost of the exception to the state and the availability of funds in the Department's budget.

Decisions on Exceptions

Legal reference: 441 IAC 1.8(1)"d," "h"

The Department must grant or deny all requests for exceptions within 120 days of receipt.

After logging the request, the Appeals Section requests a recommendation on the exception from the applicable division. In certain cases, the Appeals Section also requests a recommendation from the applicable service area manager or social work administrator. The service area recommendation is shared with the applicable division. The field does not make recommendations on the medical necessity of an item or service. The field does have input on certain types of requests to coordinate services to meet the client's needs.

The division shall take into account information shared by the service area manager or social work administrator when making a recommendation on the requested exception. The division writes a response to the exception request and returns it to the Appeals Section.

After review of the recommendation, the Appeals Section submits the request to the director for a decision on whether to grant or deny the exception.

Following the director's decision, the Appeals Section sends the decision to the requester and to the applicable division and county and service area. If approved, the applicable field office or division shall implement the exception.

The Appeals Section maintains a deidentified record of exceptions granted and denied, indexed by rule. This record is available for public inspection.

Interaction With Appeals

Legal reference: 441 IAC 1.8(1)“b,” “e,” “f,” and “g”

A denial of a request for an exception is absolutely final and is not appealable under the Department’s appeal procedures.

A request for an exception is independent from a Departmental appeal. However, a person may combine a request for an exception with a request for a review of a proposed decision.

A request for an exception does not delay the time to request an appeal or for filing a petition for judicial review of a final decision in a contested case.

A person requesting an exception does not have to exhaust administrative remedies before seeking judicial review of the Department action.

Policy Manuals

The Department of Human Services maintains a written record of its official policies and procedures in the Employees’ and Management manuals. The Department’s goal is to publish policies and procedures in a timely manner.

The Bureau of Policy Coordination maintains a complete copy of the current Employees’ and Management manuals. The Bureau of Policy Coordination maintains an archive of obsolete manual material.

Employees’ Manual

The Department of Human Services Employees’ Manual is the official interpretation of the federal laws and regulations and the state laws and rules relating to the programs administered by the Department of Human Services.

The purpose of the manual is to present Department policies and procedures for program administration in a centralized and usable form. The manual provides the official record of the Department’s interpretation of the policies adopted in its rules and authorizing legislation.

The manual is organized into titles by program area, as follows:

Title 1	General Departmental Procedures
Title 3	State Facilities
Title 4	Family Investment Program
Title 5	Centrally Administered Programs
Title 6	Other Income Maintenance Programs
Title 7	Food Assistance
Title 8	Medicaid
Title 9	Child Support Administration and Location
Title 10	Child Support Establishment and Modification
Title 11	Child Support Enforcement and Distribution
Title 12	Licensing and Approval Standards
Title 13	Social Service Resources
Title 14	Management Information
Title 15	Grant and Contract Administration
Title 16	Individual and Family Support and Protective Services
Title 17	Child Welfare

This organization is substantially similar to that of the Department's administrative rules. Within each title, chapters are labeled alphabetically. In some cases, there are subchapters labeled with the alphabetical designation and a parenthetical number. Within each chapter, the material is organized by topic (see the table of contents for each chapter).

An appendix to the chapter or to the title as a whole contains forms, desk aids, handbooks, and other informational publications used in the program.

Employees of the Department use the Employees' Manual as the instructions to follow in administering the programs of the Department. The manual gives overall policy but does not cover all details in every type of case that could arise. The policies are general enough to apply to most situations.

For procedures for a person from outside the Department to obtain a decision on the effect of a particular policy, see [Declaratory Orders](#).

Management Manual

The Department of Human Services Management Manual is the official record of the Department's policies for its internal administration and management. As with the Employees' Manual, the purpose of the Management Manual is to present policies and procedures in a centralized and usable form.

The Management Manual gives the Department's interpretation and application of policies applicable to all state agencies and of internal administration issues specific to the Department. It is organized into titles by administrative area, as follows:

Title 20	General Management
Title 21	Personnel Management
Title 23	Financial Management
Title 24	Office Management

The material in each title is organized into chapters that are labeled alphabetically. Material within a chapter is organized by topic headings.

Since the material deals with internal procedures, there are usually no rule references for the policy statements. (The Iowa Administrative Procedures Act does not require agencies to adopt rules about policies that do not affect the rights or obligations of the public.)

Appendices to the chapters contain forms, handbooks, etc.

Methods of Issuance

The Department uses three kinds of letters to issue policy and related material:

- ◆ [General letters](#)
- ◆ [Manual letters](#)
- ◆ [Circular letters](#)

General Letters

“General letters” transmit chapters, portions of chapters, and tables of contents. The general letter:

- ◆ Summarizes the changes contained in the material.
- ◆ Sets the effective date.
- ◆ Explains how staff or providers should implement the changes.
- ◆ Identifies the old material that is superseded.
- ◆ Indicates whom to contact to obtain further information concerning the material.

When forms are transmitted, the general letter also tells how to get a supply of the form and, for a revised form, whether to use up or destroy any remaining supply of the previous version.

Each chapter, subchapter, and appendix has a separate series of general letters. General letters are numbered with:

- ◆ The Arabic numeral corresponding to the title number,
- ◆ The letter designation of the chapter,
- ◆ A sequence number representing the letter’s place in the history of revisions to the chapter or appendix.

For example, General Letter Number 14-B(9)-22 is the twenty-second letter issuing new or revised material in Chapter B(9) of Title 14.

The pages of manual material transmitted by a general letter are dated to correspond to the date on the letter. This date is the official release date of the material, and is may be earlier than the actual effective date of the material. (EXCEPTION: In Medicaid provider manual, the pages are dated with the effective month and year of the change.)

The general letter itself is not a part of the manual and users do not have to keep it, unless they need to have a record of when changes were implemented. (General letters are maintained in the on-line manual files.)

The Bureau of Policy Coordination maintains a complete file of general letters.

The material transmitted by the general letter remains in effect until superseded by another general letter.

Manual Letters

“Manual” letters transmit policy and procedure that would ordinarily be a part of the manual. Occasionally due to time constraints, policy staff cannot incorporate changes into the existing manual until after they should be in effect. The manual letter:

- ◆ Explains the changes in policy or procedure.
- ◆ Sets the effective date.
- ◆ Gives instructions for implementation.
- ◆ Tells who to contact for more information.

Manual letters are usually numbered with:

- ◆ The Arabic numeral designating the title (or a Roman numeral on older letters),
- ◆ The alphabetical designation of the chapter,
- ◆ A sequence number indicating the letter’s place in the history of manual letters issued for that chapter.

In some cases, the changes transmitted by the manual letter affect several chapters in a title instead of just one. The numbers of these letters use the designation “zero” instead of the chapter letter designation, and the sequence numbers are part of a separate series.

Circular Letters

Official issuances of informational material, such as brochures or announcements, or material that has only temporary value, such as instructions for special reports, are done through circular letters. The circular letter:

- ◆ Explains the instructions or introduces the informational material attached.
- ◆ Gives instructions for its use.
- ◆ Tells who to contact for more information.

When the circular letter series was started, the Department assigned a sequential Arabic number to each new topic when letters were prepared for release. This number is followed by the initials of the issuing division.

For subsequent letters on the same topic, an alphabetical character is added to the initial number. When the letters of the alphabet are exhausted, a second Arabic number is added in the middle to register the sequence. Thus current letters have three-part numbers.

Only a few of the series are still being used:

- ◆ Series 24 designates letters about the state resource centers.
- ◆ Series 25 designates letters about the mental health institutes.
- ◆ Series 27 designates letters about the Family Investment Program.
- ◆ Series 47 designates issuances about Food Assistance.
- ◆ Series 56 is used to issue pamphlets and brochures about Department programs. Many of the income maintenance and social service pamphlets and brochures have been moved to their respective appendice. (See [6-Appendix](#) and [17-Appendix](#).)
- ◆ Series 127 designates issuances related to child support recovery.

File circular letters in numerical order. They remain in effect until superseded by a general letter, a manual letter, or another circular letter. The Bureau of Policy Coordination issues a circular letter in the 1Z series to give a list of the current circular letters and to obsolete out-of-date letters.

Manual Availability

The manual is available to the public and Department staff on the Department's website at <http://dhs.iowa.gov/policy-manuals>.

The manual is also available to Department staff on the DHS SharePoint site at <http://dhssp/depdir/paa/FandMDev/EmployeeManual/Pages/EmployeeManual.aspx>.

The Bureau of Policy Coordination generates updates to the manual when changes are made and approved. Changes to the manual chapters are announced through general letter tables. The Office of Policy Coordination maintains separate tables for income maintenance manual, service manual, child support manual, Medicaid provider manual, and administrative manual. Each table shows the 30 most recent general letters and is linked to the letter and the updated pages.

If the material has a specific effective date, the changes are not incorporated into the chapters until the effective date. When the change is incorporated, the general letter transmitting that change is added to the end of a separate file of general letters.

Manual letters are indicated by a red "note" on the chapter's title page, and are shown in the file immediately after the title page.

Access to the on-line manual requires Adobe Acrobat Reader on the user's computer. This software is available on the Department's website at dhs.iowa.gov. There is no charge to download this software.

Other reference material includes:

- ◆ A list of current circular letters, and
- ◆ Lists of the manual issued in each of the previous two months.

Advance Copies

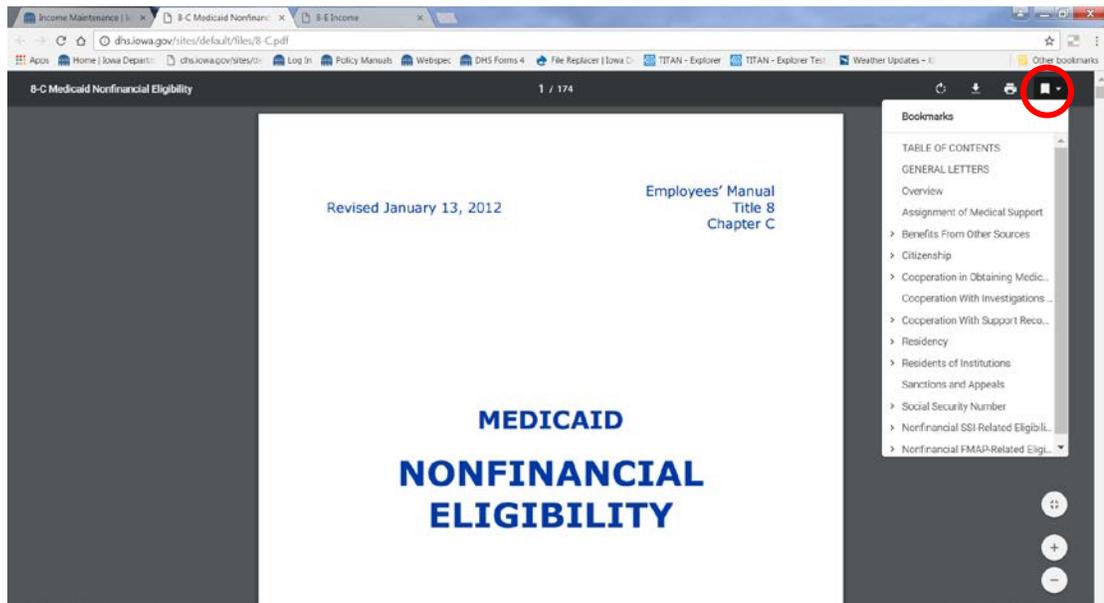
Policy staff sometimes send draft copies of manual material to field staff for training or information. Draft copies are not officially approved. Staff should not implement the policies and procedures in them.

Before advance copies of manual material are released, the material must be approved by the issuing division administrator and the Bureau of Policy Coordination.

Availability of General Letters on the DHS Website

When using Chrome as the Internet browser, the list of bookmarks inside a manual chapter is no longer automatically displayed.

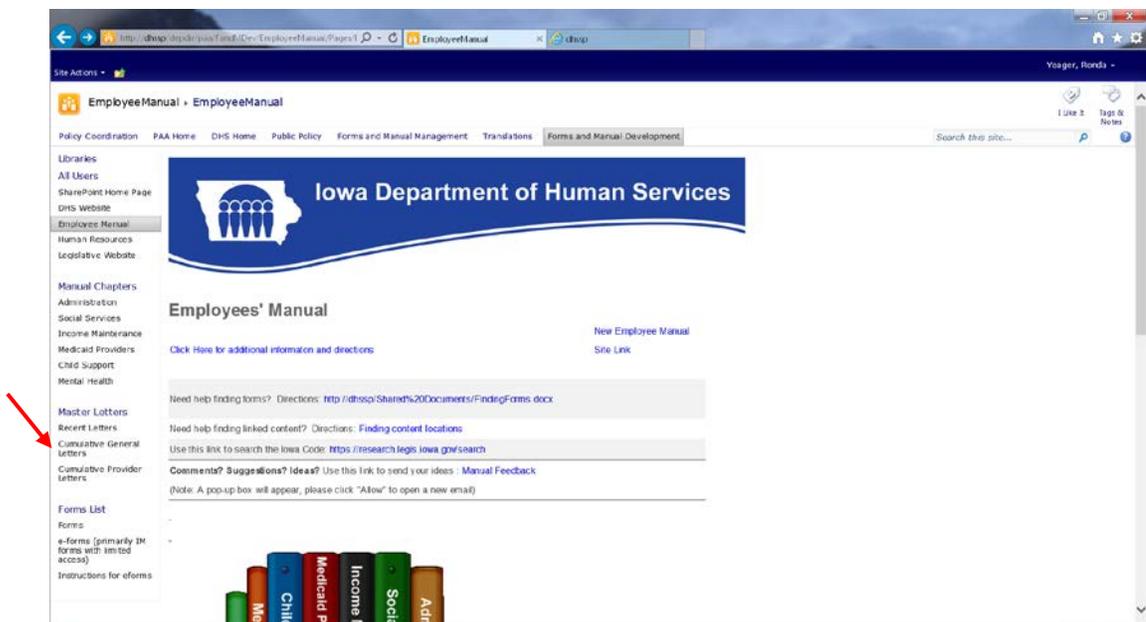
To open the list of bookmarks, including the bookmark to the general letters, click on the icon circled in red on the next page. Click on the General Letters bookmark which is usually the second item on the list. The general letters open in a separate tab. Click on the tab to view the cumulative list of general letters.



Availability of General Letters on the DHS SharePoint Site

The list of bookmarks is automatically displayed on the left-hand side when a manual chapter is opened.

The red arrow below is pointing to a link to the cumulative general letters. Clicking on the link opens a window which displays the all the general letter files.



Availability to the Public

Legal reference: 441 IAC 9.3(17A,22); 7 CFR 272.1(d); 42 CFR 431.18(c)

Department manuals are public records and are available for public inspection and copying. See [1-C, REQUEST FOR ACCESS TO RECORDS and RESPONSE TO REQUEST](#), for general policies on the availability of public records. These policies, including the fee provisions, apply to requests for Department manuals.

Federal regulations in the Food Stamp Program require the availability of state policy handbooks at each certification office, at the state agency headquarters, and at the USDA Food and Nutrition Service Regional Office.

Federal Medicaid regulations require the Department to maintain copies of current policies that affect the public in all its offices. This includes those that govern eligibility, provision of medical assistance, covered services, and recipient rights and responsibilities.

Upon request, staff shall provide a Department client, or a client's representative, manual sections pertinent to a specific Department decision. This may help the client to determine whether to request an appeal hearing or to prepare for a hearing. Provide appeal-related material without charge.

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