

124-3-01

Requirements of "section 124.34 orders" and orders of involuntary disability separation.

(A) "Section 124.34 orders" and orders of involuntary disability separation may be affirmed only if each of the following criteria are satisfied:

- (1) The copy of the order served on the employee shall bear the original signature of the appointing authority and the date of signature. If an appointing authority is a public body, the order must contain the signatures of a majority of the members, or in the alternative, a certified copy of the resolution adopting the order shall be attached to each copy of the order; and
- (2) The employer shall serve the employee with a copy of the order on or before the effective date of the action; and
- (3) The order shows, on its face, a list of particulars which form the basis for the order; and
- (4) The appointing authority can, if challenged, demonstrate both the authority of the signer and the authenticity of the signature on a "section 124.34 order" or an order of involuntary disability separation.

(B) Disaffirmance of an order under this rule shall not be a bar to filing another "section 124.34 order" or an order of involuntary disability separation based upon the same allegations.

Five Year Review (FYR) Dates: 1/4/2019 and 01/04/2024

CERTIFIED ELECTRONICALLY

Certification

01/04/2019

Date

Promulgated Under: 119.03
Statutory Authority: 124.03
Rule Amplifies: 124.03, 124.34
Prior Effective Dates: 07/07/1979, 03/03/1986, 03/28/1998, 05/18/2000,
05/17/2001, 04/16/2009