

FILED FEB 17 1988

*9. Th. Jensen 3/25*

*21.7. 2337 see substituted 3/25*

SENATE FILE **2173**  
BY COMMITTEE ON BUSINESS AND  
LABOR RELATIONS  
**(formerly 55B 2033)**  
*Approved 3/27*

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the jurisdiction of the employment appeal  
2 board.

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

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**SF 2173**

1 Section 1. Section 10A.601, subsection 1, Code 1987, is  
2 amended to read as follows:

3 1. A full-time employment appeal board is created within  
4 the department of inspections and appeals to hear and decide  
5 contested cases under chapters 19A, 80, 88, 89A, 96, and 97B,  
6 and ~~104~~.

7 Sec. 2. Section 88.8, subsection 2, Code 1987, is amended  
8 to read as follows:

9 2. NONCOMPLIANCE NOTICE. If the commissioner has reason  
10 to believe that an employer has failed to correct the  
11 violation for which a citation has been issued within the  
12 period permitted for its correction (which period shall not  
13 begin to run until the entry of a final order by the appeal  
14 board in the case of any review proceedings under this section  
15 initiated by the employer in good faith and not solely for  
16 delay or avoidance of penalties), the commissioner shall  
17 notify the employer by certified mail of ~~such~~ the failure and  
18 of the penalty proposed to be assessed under section 88.14 by  
19 reason of ~~such~~ the failure, and that the employer has fifteen  
20 working days within which to notify the commissioner that the  
21 employer wishes to contest the commissioner's notification or  
22 the proposed assessment of penalty. If, within fifteen working  
23 days from the receipt of notification issued by the  
24 commissioner, the employer fails to notify the commissioner  
25 that the employer intends to contest the notification or  
26 proposed assessment of penalty, the notification and  
27 assessment, as proposed, shall be deemed the final order of  
28 the ~~commission~~ appeal board and not subject to review by any  
29 court or agency.

30 Sec. 3. Section 89A.1, Code 1987, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 19. "Appeal board" means the employment  
33 appeal board created under section 10A.601.

34 EXPLANATION

35 The bill adds the state elevator code chapter to the list

1 of chapters in which the employment appeal board hears and  
2 decides contested cases. Section 2 provides that the  
3 employment appeal board is responsible for issuing final  
4 orders under the occupational health and safety law. Section  
5 3 defines appeal board to mean the employment appeal board in  
6 the state elevator code.

7                   SIMILAR TO SSB 2033 (LSB 7300DS)

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BUSINESS AND LABOR RELATIONS: Palmer, Chair; Wells and Vande Hoef

*now*

SENATE FILE 2173

BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the jurisdiction of the employment appeal  
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3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 10A.601, subsection 1, Code 1987, is  
2 amended to read as follows:

3 1. A full-time employment appeal board is created within  
4 the department of inspections and appeals to hear and decide  
5 contested cases under chapters 19A, 80, 88, 89A, 89B (Division  
6 II), 96, and 97B~~7~~-and-104.

7 Sec. 2. Section 88.8, subsection 2, Code 1987, is amended  
8 to read as follows:

9 2. NONCOMPLIANCE NOTICE. If the commissioner has reason  
10 to believe that an employer has failed to correct the  
11 violation for which a citation has been issued within the  
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25 that the employer intends to contest the notification or  
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27 assessment, as proposed, shall be deemed the final order of  
28 the commission appeal board and not subject to review by any  
29 court or agency.

30 Sec. 3. Section 89A.1, Code 1987, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 19. "Appeal board" means the employment  
33 appeal board created under section 10A.601.

34 EXPLANATION

35 The bill adds the state elevator code and the hazardous

1 chemical risks chapters to the list of chapters in which the  
2 employment appeal board hears and decides contested cases.  
3 Section 2 provides that the employment appeal board is  
4 responsible for issuing final orders under the occupational  
5 health and safety law. Section 3 defines appeal board to mean  
6 the employment appeal board in the state elevator code.

7 BACKGROUND STATEMENT

8 SUBMITTED BY THE AGENCY

9 Reorganization of state government in 1986 created the  
10 department of inspections and appeals from various pieces of  
11 other state agencies. As a result, a number of Code  
12 references are in need of revision or new references are  
13 needed to accurately reflect the responsibilities, programs,  
14 and activities of the department. The specific changes are as  
15 follows:

16 1. Section 10A.601 is being amended to add chapter 89A,  
17 state elevator code, and chapter 89B, hazardous chemicals  
18 risks -- right to know, to the list of chapters in which the  
19 employment appeal board hears and decides contested cases.  
20 These additions were an oversight in the original legislation.

21 2. Section 88.8 is being amended to correct the reference  
22 to the occupational safety and health commission. The  
23 employment appeal board is responsible for the final orders.

24 3. Section 89A.1 is being amended to define "appeal board"  
25 as the employment appeal board for clarification purposes.

26 COMPANION TO LSB 7299DH

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