RA 26-234

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 16
"State Employee Appeals of Grievance Decisions and Disciplinary Actions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.415
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2385, and Iowa Code chapter 8A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 24, 2026 9 a.m.	Via videoconference: meet.google.com/hxy-euaj-uzq

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Employment Appeal Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Christine Louis
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: eab.elections@eab.iowa.gov

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order 10 and statutory changes based on 2024 Iowa Acts, Senate File 2385. This proposed rulemaking provides procedural rules for state employee appeals of grievance decisions and disciplinary actions.

This chapter is being moved from the legacy Public Employee Relations Board agency number [621] to a new chapter within the Employment Appeal Board agency number [486]. These rules were previously located in 621—Chapter 11.

The rules under legacy agency number [621] are proposed to be rescinded and reserved herein (**RA 26-246**, IAB 8/19/26).

The reference to 486—Chapter 18 is to that as published herein as **RA 26-236**, IAB 8/19/26.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no additional expected cost to the State or individuals.

- **Classes of persons that will benefit from the proposed rulemaking:**

State of Iowa agencies and State of Iowa employees will benefit from this proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no expected economic impact created by this proposed rulemaking.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The changes are mandated by statute and executive order.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 486—Chapter 16:

CHAPTER 16
STATE EMPLOYEE APPEALS OF GRIEVANCE DECISIONS AND DISCIPLINARY ACTIONS

486—16.1(8A,20) Notice of appeal rights. When the director of the department of administrative services (hereinafter referred to as the director) issues a response to an employee pursuant to Iowa Code section 8A.415 and the response does not grant the relief sought by the employee, the response shall include notice to the affected employee that the employee may appeal the response by filing an appeal with the appeal board within 30 days of the date of the director's response.

486—16.2(8A,20) Filing of appeal.

16.2(1) *Grievances.* An employee, except an employee covered by a collective bargaining agreement that provides otherwise, who has filed a grievance and is not satisfied with the director's response may file an appeal with the appeal board. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if no response was issued by the director within 30 calendar days following the filing of the third-step grievance with the director, the employee may consider the grievance denied.

16.2(2) *Disciplinary appeals.* A nonprobationary merit system employee as described in Iowa Code section 8A.412, except an employee covered by a collective bargaining agreement that provides otherwise, who is discharged, suspended, demoted, or otherwise receives a reduction in pay and who appeals the action to the director and is not satisfied with the director's response may file an appeal with the appeal board. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if the director fails to issue a response within 30 calendar days following the filing of the appeal with the director, then the employee may consider the appeal denied and file an appeal with the appeal board.

16.2(3) *Method of filing.* Appeals and all other pleadings must be electronically filed pursuant to 486—Chapter 18.

486—16.3(8A,20) Service of appeal. The appeal board will serve a copy of the appeal on the director by electronic means when possible and, where service by electronic means is not possible, by personal service as provided in the Iowa Rules of Civil Procedure; by certified mail, return receipt requested; by first-class mail; or by publication as provided in the Iowa Rules of Civil Procedure.

486—16.4(8A,20) Content of appeal.

16.4(1) The appeal shall contain the following:

a. Name, address, telephone number, and email address of the appealing employee;

b. Name of agency/department by which the appealing employee is/was employed;

c. A brief statement of the reasons for the appealing employee's dissatisfaction with the director's response;

d. A statement of the requested remedy;

e. The name, address, telephone number, and email address of the appealing employee's representative, if any;

f. Signature of the appealing employee or employee's representative; and

g. In the case of a disciplinary action appeal filed pursuant to Iowa Code section 8A.415(2), a statement of whether the employee requests a hearing open to the public.

16.4(2) Completion of the State Employee Grievance and Disciplinary Action Appeal Form complies with all the requirements in subrule 16.4(1).

486—16.5(8A,20) Content of director's response to the appeal.

16.5(1) The director should file a motion or answer within 15 days from the date of service of the employee's appeal.

16.5(2) The motion or answer must contain the following:

a. The names of the appealing employee and the employing agency/department;

b. The name, address, telephone number, and email address of the employing agency's/department's representative; and

c. Signature of the employing agency's/department's representative.

486—16.6(8A,20) Right to a hearing.

16.6(1) An employee appealing a grievance pursuant to Iowa Code section 8A.415(1) has a right to a hearing. The hearing must be open to the public. An employee appealing disciplinary action pursuant to Iowa Code section 8A.415(2) has a right to a hearing that is closed to the public unless the employee requests a hearing open to the public.

16.6(2) The board will file a transmittal form with a copy of the appeal attached. After the matter is transmitted, future filings must be made in the administrative hearings division's electronic document management system.

16.6(3) After the case is transmitted to the administrative hearings division, it will be assigned a case number. The administrative hearings division will assign the proceeding to an administrative law judge to serve as a presiding officer. The administrative law judge will issue a notice for a prehearing conference or a notice of hearing.

16.6(4) The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

16.6(5) The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 7—2506.27(17A) and 7—2506.28(17A). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.

486—16.7(8A,20) Costs of certified shorthand reporters and transcripts.

16.7(1) *Initial payment.* The appeal board will arrange for a certified shorthand reporter to report the contested case hearing and request that an original transcript of the hearing be prepared by the reporter for the appeal board's use. The appeal board initially shall pay the reporter's reasonable compensation for reporting the hearing and producing the transcript.

16.7(2) *Taxation as costs.* The nonprevailing party or parties will be taxed the full cost of reporting and transcription unless the final order apportions these costs in another manner.

16.7(3) *Payment of taxed costs.* Following final action of the appeal board in a case, the appeal board will prepare and serve a bill of costs upon the party or parties against whom the costs have been taxed. Those parties shall, within 30 days of such service, remit to the appeal board the amount specified in the bill of costs. Sums remitted to the agency shall be considered appropriated receipts as defined in Iowa Code section 8.2.

These rules are intended to implement Iowa Code chapters 8A and 20.