RA 26-235

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 17
"State Employee Whistleblower Actions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 20.6(5)

State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2385, and Iowa Code section 70A.28

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 administrative whistleblower 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 17.

The rules under legacy agency number [621] are proposed to be rescinded and reserved herein (**RA 26-246**, IAB 8/19/26).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 17:

CHAPTER 17
STATE EMPLOYEE WHISTLEBLOWER ACTIONS

486—17.1(20,70A) Notice of appeal rights. A state executive branch employee, except a merit system employee or an employee covered by a collective bargaining agreement, may file an appeal with the appeal board as stated in Iowa Code section 70A.28(6).

486—17.2(20,70A) Filing of appeal.

17.2(1) *Timeline.* The employee must file the appeal within the timeline provided in Iowa Code section 70A.28(6).

17.2(2) *Method of filing.* Appeals and all subsequent pleadings must be electronically filed pursuant to 486—Chapter 18.

486—17.3(20,70A) Service of appeal. Upon the filing of a proper petition, the appeal board will serve copies of the petition upon the department of administrative services director (hereafter referred to as 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—17.4(20,70A) Content of appeal.

17.4(1) The appeal must 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 employee's appeal;

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. The signature of the appealing employee or employee's representative;

g. A statement of whether the employee requests a hearing open to the public; and

h. A statement of whether the employee filed a complaint with the office of ombudsman and the date of the filing, if applicable.

17.4(2) Completion of the State Employee Whistleblower Action Appeal Form available on the appeal board's website constitutes compliance with all of the requirements in subrule 17.4(1).

486—17.5(20,70A) Content of director's response to the appeal. The director shall file an answer as directed in 7—subrule 2506.11(3).

486—17.6(20,70A) Hearing.

17.6(1) After the director files an answer to the appeal, the appeal board may transmit the matter to the administrative hearings division created by Iowa Code section 10A.801. The board will file a transmittal form with a copy of the appeal and answer attached. After the matter is transmitted, future filings must be made in the administrative hearings division's administrative electronic document management system.

17.6(2) 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.

17.6(3) The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

17.6(4) 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).

These rules are intended to implement Iowa Code chapters 20 and 70A.