RA 26-408

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 6
"Peace Officer and Capitol Security Appeals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)
State or federal law(s) implemented by the rulemaking: Iowa Code sections 10A.601 and 80.15

Public Hearing

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

December 29, 2026	Via videoconference:
11 a.m.	meet.google.com/jat-xmxh-jte

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:

Rick Autry
Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

The process outlined in this proposed rulemaking is for covered troopers to challenge disciplinary action of the type set out in Iowa Code section 80.15(2). The changes tabulate the process and make some of the referents more explicit and less ambiguous. Also, this proposed rulemaking modernizes the process by providing for electronic filing. This proposed chapter now explicitly refers these appeals to an administrative law judge. Current practice requires a Board vote to assign the hearings to an administrative law judge, which, for practical reasons, is the only realistic option. Any evidentiary hearing will be conducted under the rules of the Administrative Hearings Division within the Department of Inspections, Appeals, and Licensing. The changes thus speed up and standardize the process.

The reference to 486—Chapter 18 is to that chapter as published in **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:**

Parties appearing before the Board in covered trooper discipline-related proceedings will benefit.

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 significant effect on State revenues 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:**

Not applicable.

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. Rescind 486—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
PEACE OFFICER AND CAPITOL SECURITY APPEALS

486—6.1(10A) Appeals.

6.1(1) *Notice and appeal.*

a. Notice of intent. The department of public safety may not take personnel action falling under the purview of Iowa Code section 80.15(2), regarding an employee whose employment and terms of employment are protected under Iowa Code section 80.15(2), until the department of public safety has

filed with the appeal board, and contemporaneously copied to the employee, a notice of intent to take the personnel action in question. No notice of intent to take action need be filed for action not under the purview of Iowa Code section 80.15(2). Such personnel actions are effective without following the process of Iowa Code section 80.15(2).

b. Appeal and statement of charges. The employee identified in a notice of intent may file with the appeal board an appeal challenging the notice of intent. That appeal must be filed within 30 days of the filing of the notice of intent with the appeal board. Such appeals must be in writing and identify the particular notice of intent that is being appealed. Once an appeal is filed, the department of public safety shall promptly file a statement of charges with the appeal board.

c. Effect of failure to appeal. The department of public safety may take the personnel action set out in the notice of intent once 30 days from filing of that notice have elapsed but only if no timely appeal has been filed.

6.1(2) *Filing of notice and appeal.* Notices of intent, appeals therefrom, and all other pleadings must be electronically filed pursuant to 486—Chapter 18. The filing dates of a notice of intent and of an appeal are determined as set forth in that chapter. The appeal board will dismiss appeals filed later than 30 days after the filing of the notice of intent unless good cause for appealing late is shown by the employee.

6.1(3) *Hearing before administrative law judge and appeal to board.*

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

b. After the case is transmitted to the division of administrative hearings, 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.

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

d. 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.

This rule is intended to implement Iowa Code section 10A.601 and chapter 80.