RA 26-409

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 7
"Construction Contractor Registration 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 91C.8

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 for handling appeals of notices of contest of fines leveled against a construction contractor on the ground that the construction contractor allegedly failed to register is outlined in this proposed rulemaking. The changes simplify the language and reduce potential for conflicts in meaning. For example, the notice of contest is to be filed with the Commissioner of Labor, and it is that authority's regulations that govern this process. Thus, rules of the Board purporting to govern the filing of the notice of contest are proposed to be removed. Also, this proposed chapter modernizes the process by providing for electronic filing. The proposed chapter 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 at 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 contractor registration-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 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
CONSTRUCTION CONTRACTOR REGISTRATION APPEALS

486—7.1(91C) Appeals.

7.1(1) *Scope of chapter.* This chapter applies only to notices of contest filed concerning citations issued pursuant to Iowa Code section 91C.8.

7.1(2) *Form and time of appeal.* In order to challenge a citation or notice of proposed administrative penalty, a contractor aggrieved by the proposed penalty must notify the commissioner of labor, within 15 working days from the date of receipt of the notice, that the contractor intends to contest the citation or proposed penalty. The commissioner of labor shall promptly transmit the original notice of contest to the appeal board. The notice of contest will then be docketed by the appeal board as an appeal of the citation and promptly referred to the administrative hearings division within the department of inspections, appeals, and licensing (DIAL) as set out below.

7.1(3) *Pleadings filed electronically.* The commissioner of labor's transmittal of the notice of contest and all other pleadings must be electronically filed pursuant to 486—Chapter 18.

486—7.2(91C) Hearing before administrative law judge and appeal to board.

7.2(1) The appeal board will file a transmittal form, with a copy of the notice of contest and of the citation both attached, with the administrative hearings division within DIAL. After the matter is transmitted, future filings must be made in the administrative electronic document management system (AEDMS) of the administrative hearings division within DIAL.

7.2(2) After the case is transmitted to the division of administrative hearings within DIAL, it will be assigned a case number. The administrative hearings division within DIAL 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.

7.2(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.

7.2(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). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.

These rules are intended to implement Iowa Code section 10A.601 and chapter 91C.