

CHAPTER 17
STATE EMPLOYEE WHISTLEBLOWER ACTIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

621—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 public employment relations board for adverse employment action taken as a result of the employee's disclosure of information protected by Iowa Code section 70A.28.

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.2(20,70A) Filing of appeal.

17.2(1) *Timeline.* The employee must file the appeal within 30 calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of ombudsman pursuant to Iowa Code section 2C.11A.

17.2(2) *Method of filing.* Appeals shall be electronically filed pursuant to 621—Chapter 16.

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.3(20,70A) Service of appeal. The agency shall serve a copy of the appeal upon the Iowa department of administrative services director (hereinafter referred to as the director) by ordinary mail in the manner specified in rules 621—2.15(20) and 621—16.10(20).

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.4(20,70A) Content of appeal.

17.4(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 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 shall constitute compliance with all of the requirements in subrule 17.4(1).

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.5(20,70A) Content of director's response to the appeal.

17.5(1) The director shall have 15 days from the date of service of the employee's appeal in which to file a motion or answer with the agency.

17.5(2) The motion or answer shall 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;
- c. The response or answer to the employee's appeal, which shall specifically admit or deny each allegation of the appeal and may set forth additional facts deemed to constitute a defense. If the appellee is without knowledge sufficient to make an admission or denial concerning an allegation, the answer shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the substance of the allegation. Additional facts set forth in the answer shall be deemed denied by the appellant;
- d. The signature of the employing agency's/department's representative.

17.5(3) The director's motion or answer shall be electronically filed pursuant to 621—Chapter 16.
[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.6(20,70A) Right to a hearing. An employee appealing adverse employment action pursuant to Iowa Code section 70A.28 has a right to a hearing which is closed to the public unless the employee requests a hearing open to the public. Hearings will otherwise be conducted in accordance with 621—Chapter 2.

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.7(20,70A) Final decisions.

17.7(1) When a majority of the board presides at the reception of the evidence in a state employee whistleblower action proceeding, the decision of the board is the final decision of the agency.

17.7(2) When a majority of the board does not preside at the reception of the evidence in a state employee whistleblower action proceeding, the presiding officer shall make a proposed decision that becomes the final decision of the agency without further proceedings unless:

- a. There is an appeal to the board filed within 20 days of the filing of the proposed decision, or
- b. The board, within 20 days of the filing of the proposed decision, determines to review the decision on its own motion.

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.8(20,70A) Review by board. Proceedings on the board's review of the proposed decision shall be in accordance with 621—Chapter 9.

[ARC 4459C, IAB 5/22/19, effective 6/26/19]

621—17.9(20,70A) Other rules. Any matters not specifically addressed by the rules contained in this chapter shall be governed by the general provisions of the rules of the agency.

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

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