

CHAPTER 3
PROHIBITED PRACTICE PROCEEDINGS

621—3.1(20) Filing of complaint. A complaint that any public employer, public employee or employee organization has committed a prohibited practice within the meaning of Iowa Code section 20.10(1), that any public employer or the employer's designated representative has committed a prohibited practice within the meaning of Iowa Code section 20.10(2), or that any public employee, employee organization, person, union or organization or its agents have committed a prohibited practice within the meaning of Iowa Code section 20.10(3) may be filed with the agency by any person, employee organization or public employer with standing within 90 days following the alleged commission of the prohibited practice.
[ARC 1773C, IAB 12/10/14, effective 1/14/15]

621—3.2(20) Contents of complaint. The complaint, which may utilize the form available from the board's Web site, shall be in writing, shall be signed by the complainant or its designated representative, and shall include the following:

3.2(1) The name, address, telephone number and e-mail address of the complainant, and, if filed by the complainant's designated representative, the name, title, telephone number and e-mail address of that representative.

3.2(2) The name and address of the respondent(s) alleged to have committed the prohibited practice.

3.2(3) A clear and concise statement of the facts constituting the alleged prohibited practice, including the names of the individuals involved in the alleged act(s), the date(s) and place(s) of the alleged act(s), and the specific subsection(s) and paragraph(s) of Iowa Code section 20.10 alleged to have been violated.

[ARC 1773C, IAB 12/10/14, effective 1/14/15]

621—3.3(20) Clarification of complaint. Although compliance with technical rules of pleading is not required, the agency may, on either its own motion or motion of the respondent, require the complainant to make the complaint more specific.

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621—3.4(20) Service of complaint. The complainant shall, within a reasonable time following the filing of a complaint, serve all named respondents with a copy of the complaint in the manner of an original notice or by certified mail, return receipt requested, together with an agency-approved information sheet regarding mandatory electronic filing. Such service shall be upon the person(s) designated for service by 621—subrule 2.15(1), and the complainant shall file proof thereof with the agency in accordance with 621—subrule 2.15(3) and 621—subrule 16.10(1).

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 1773C, IAB 12/10/14, effective 1/14/15]

621—3.5(20) Answer to complaint.

3.5(1) Filing and service. Within ten days of service of a complaint, the respondent(s) shall file with the agency an answer to the complaint. The answer shall be signed by the respondent(s) or its designated representative. The answer shall be served through the electronic document management system unless the respondent is exempted from electronic filing in the proceeding, in which case service shall be in accordance with 621—subrules 2.15(2) and 2.15(3), and upon the person who signed the complaint being answered.

3.5(2) Extension of time to answer. The parties may agree to an extension of the time to answer and shall inform the agency of their agreement, or the board may, upon application and good cause shown, extend the time to answer.

3.5(3) Contents of answer. The answer shall specifically admit or deny each allegation of the complaint and may set forth additional facts deemed to constitute a defense. If the respondent 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 complainant.

3.5(4) Admission by failure to answer. If the respondent fails to file a timely answer, such failure may be deemed by the board to constitute an admission of the material facts alleged in the complaint and a waiver of a hearing.

[ARC 1773C, IAB 12/10/14, effective 1/14/15]

621—3.6(20) Voluntary dismissal or withdrawal of complaint. At any time prior to the issuance of a proposed decision (or final decision if heard originally by the board), a complaint or any part thereof may be voluntarily dismissed by the complainant. Following the issuance of a proposed decision, but before the proposed decision becomes the agency's final decision, complaints may be withdrawn only with the consent of the board and upon conditions the board deems proper.

[ARC 1773C, IAB 12/10/14, effective 1/14/15]

621—3.7(20) Amendment of complaint or answer. Rescinded ARC 1773C, IAB 12/10/14, effective 1/14/15.

621—3.8(20) Investigation of complaint. The board or its designee may conduct a preliminary investigation of the allegations of any complaint. In conducting such investigation, the board may require the complainant and respondent to furnish evidence, including affidavits and other documents if appropriate. If a review of the evidence shows that the complaint has no basis in fact, the complaint may be dismissed with prejudice by the board and the parties notified. Administrative law judges involved in investigations under this rule shall not act as presiding officers in any proceeding related to the prohibited practice complaint.

[ARC 1773C, IAB 12/10/14, effective 1/14/15]

621—3.9 Rescinded, effective December 22, 1976.

621—3.10(20) Informal disposition. Rescinded ARC 1773C, IAB 12/10/14, effective 1/14/15.

621—3.11(20) Evidence of settlement negotiations. Rescinded ARC 1773C, IAB 12/10/14, effective 1/14/15.

621—3.12(20) Costs of certified shorthand reporters and transcripts.

3.12(1) Initial payment. The agency 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 agency's use. The agency initially shall pay the reporter's reasonable compensation for reporting the hearing and producing the agency-requested transcript.

3.12(2) Taxation as costs. The cost of reporting and of the agency-requested transcript shall be taxed as costs against the nonprevailing party or parties although the presiding officer, or the board on appeal or review of a proposed decision and order, may apportion such costs in another manner if appropriate under the circumstances.

3.12(3) Payment of taxed costs. Following final agency action in a case, the agency 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 agency the amount specified in the bill of costs. Sums remitted to the agency shall be considered repayment receipts as defined in Iowa Code section 8.2.

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These rules are intended to implement Iowa Code chapter 20.

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