

CHAPTER 3
PROHIBITED PRACTICE COMPLAINTS

621—3.1(20) Filing of complaint. A complaint that any person, employee, organization or public employer has engaged in or is engaging in a prohibited practice under the Act may be filed by any person, employee organization or public employer. A complaint shall be in writing and signed according to these rules, and may be on a form provided by the board. The complaint shall be filed with the board within 90 days following the alleged violation.

621—3.2(20) Contents of complaint. The complaint shall include the following:

3.2(1) The name, address and organizational affiliation, if any, of the complainant, and the title of any representative filing the complaint.

3.2(2) The name and address of the respondent(s) and any other party named therein.

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, the dates and places of the alleged occurrence, and the specific section(s) of the Act alleged to have been violated.

621—3.3(20) Clarification of complaint. The board may, on its own motion or motion of the respondent, require the complainant to make the complaint more specific.

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

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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 board a written answer to the complaint, and cause a copy to be delivered to the complainant by ordinary mail to the address set forth in the complaint. The answer shall be signed by the respondent(s) or the designated representative of the respondent(s).

3.5(2) Extension of time to answer. Upon application and good cause shown, the board may extend the time to answer to a time and date certain.

3.5(3) Contents of answer. The answer shall include a specific admission or denial of each allegation of the complaint or, if the respondent is without knowledge thereof, the respondent 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 circumstances of the allegations. The answer shall include a specific statement of any affirmative defense. Matters contained 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 by the respondent of a hearing.

621—3.6(20) Withdrawal of complaint. A complaint or any part thereof may be withdrawn with the consent of the board, and upon conditions the board may deem proper. Withdrawal shall constitute a bar to refiling the same complaint or part thereof by the complainant.

621—3.7(20) Amendment of complaint or answer. Amendments to a party's complaint or answer shall be governed by rule 621—2.9(20).

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. Board employees involved in investigations under this rule shall not act as administrative law judges in any proceeding related to the investigation.

621—3.9 Rescinded, effective December 22, 1976.

621—3.10(20) Informal disposition. Any party seeking to settle a controversy which may result in a contested case may request assistance from the board. The board may schedule meetings between the parties and assist the parties in reaching a settlement of the dispute; provided, however, that no party shall be required to settle the controversy pursuant to this rule. Any prohibited practice case commenced with the board may be informally settled by stipulation, agreed settlement, consent order, default, or by any other method agreed upon by the parties, subject, however, to approval by the board.

621—3.11(20) Evidence of settlement negotiations. Evidence of proposed offers of settlement of a prohibited practice complaint shall be inadmissible at the hearing thereon.

These rules are intended to implement Iowa Code chapter 20.

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