

CHAPTER 11  
STATE EMPLOYEE APPEALS OF GRIEVANCE DECISIONS  
AND DISCIPLINARY ACTIONS

**621—11.1(8A,20) Notice of appeal rights.** When the director of the Iowa department of administrative services (hereinafter referred to as the director) issues a response to an employee pursuant to Iowa Code section 8A.415 and the response does not grant the relief sought by the employee, the response shall include notice to the affected employee that the employee may appeal the response by filing an appeal with the public employment relations board within 30 days of the date of the director's response.  
[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.2(8A,20) Filing of appeal.**

**11.2(1) Grievances.** An employee, except an employee covered by a collective bargaining agreement that provides otherwise, who has filed a grievance and is not satisfied with the director's response, may file an appeal with the agency. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if no response was issued by the director within 30 calendar days following the filing of the third-step grievance with the director, the employee may consider the grievance denied and file an appeal with the agency or may await the director's response and, if not satisfied, file an appeal within 30 days following the date the response is issued.

**11.2(2) Disciplinary appeals.** A nonprobationary merit system employee as described in Iowa Code section 8A.412, except an employee covered by a collective bargaining agreement, who is discharged, suspended, demoted, or otherwise receives a reduction in pay, and who appeals the action to the director and is not satisfied with the director's response, may file an appeal with the agency. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if no response was issued by the director within 30 calendar days following the filing of the third-step grievance with the director, the employee may consider the grievance denied and file an appeal with the agency or may await the director's response and, if not satisfied, file an appeal within 30 days following the date the response is issued.

**11.2(3) Method of filing.** Appeals shall be electronically filed pursuant to 621—Chapter 16.  
[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.3(8A,20) Service of appeal.** The agency shall serve a copy of the appeal upon the director by ordinary mail in the manner specified in rules 621—2.15(20) and 621—16.10(20).  
[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.4(8A,20) Content of appeal.**

**11.4(1)** The appeal shall contain the following:

- a. Name, address, telephone number, and e-mail 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 appealing employee's dissatisfaction with the director's response;
- d. A statement of the requested remedy;
- e. The name, address, telephone number, and e-mail address of the appealing employee's representative, if any;
- f. Signature of the appealing employee or employee's representative; and
- g. In the case of a disciplinary action appeal filed pursuant to Iowa Code section 8A.415(2), a statement of whether the employee requests a hearing open to the public.

**11.4(2)** Completion of the State Employee Grievance and Disciplinary Action Appeal Form shall constitute compliance with all the requirements in subrule 11.4(1).  
[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.5(8A,20) Content of director's response to the appeal.**

**11.5(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.

**11.5(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 e-mail address of the employing agency's/department's representative;
- c.* A copy of the original grievance and first-, second-, and third-step responses issued; and
- d.* Signature of the employing agency's/department's representative.

**11.5(3)** The director's motion or answer shall be electronically filed pursuant to 621—Chapter 16.  
[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.6(8A,20) Right to a hearing.** An employee appealing a grievance pursuant to Iowa Code section 8A.415(1) has a right to a hearing, which is open to the public. An employee appealing disciplinary action pursuant to Iowa Code section 8A.415(2) 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 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.7(8A,20) Final decisions.**

**11.7(1)** When a majority of the board presides at the reception of the evidence in a grievance or disciplinary action appeal, the decision of the board is the final decision of the agency.

**11.7(2)** When a majority of the board does not preside at the reception of the evidence in a grievance or disciplinary appeal, the presiding officer shall make a proposed decision that becomes the final decision of the agency without further proceedings unless:

- a.* There is a petition for the board's review 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 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.8(8A,20) Review by board.** Proceedings on the board's review of the proposed decision shall be in accordance with 621—Chapter 9.

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—11.9(8A,20) Costs of certified shorthand reporters and transcripts.**

**11.9(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.

**11.9(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.

**11.9(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.

[ARC 3278C, IAB 8/30/17, effective 8/10/17]

**621—11.10(8A,20) 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 8A and 20.

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