

TITLE I
DEPARTMENT OPERATIONS
CHAPTER 1
ORGANIZATION AND OPERATIONS

421—1.1(17A,216A) Definitions. As used in these rules, unless the context otherwise requires:

“*Board*” means the human rights board.

“*Department*” means the department of health and human services.

“*Director*” means the director of the department of health and human services.

“*Underrepresented*” means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—1.2(17A,216A) Authority. The department is established with the authority, powers, and duties set forth in Iowa Code chapter 216A.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—1.3(17A,216A) History. The department was originally conceived in 1987 as an umbrella agency for several agencies that had previously operated independently and reported directly to the governor.

In 1993, the department’s statutory provision in Iowa Code chapter 601K was transferred to chapter 216A.

As part of the government reorganization and efficiency bill in 2010 (2010 Iowa Acts, Senate File 2088), the department has streamlined its administrative functions and budget processes to operate as one department in a strategically cohesive manner. The director is appointed by the governor and has general supervision over the administration and operation of the department and its divisions. Administrators of the divisions are appointed by and report to the director. Ten divisions were consolidated into three divisions within the department: the division of community action agencies; the division of criminal and juvenile justice planning; and the division of community advocacy and services. Seven divisions devoted to advocacy for various populations were redesignated as offices, which are included within the division of community advocacy and services. Except for the commission of Native American affairs, all commissions within the division of community advocacy and services are limited to seven voting members. The human rights board is created within the department.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—1.4(17A,216A) Mission. The mission of the department is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational achievement and entrepreneurial success consistent with their aspirations.

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421—1.5(17A,216A) Organization.

1.5(1) Contact information. Requests for assistance, information, inquiries, submissions, petitions, and other communications may be directed to the department as follows: The office is located at 321 E. 12th Street, Des Moines, Iowa 50319. The main telephone number is (515)242-5655. The fax number is (515)242-6119. Regular office hours are Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. The department’s website is humanrights.iowa.gov.

1.5(2) Director. The duties and responsibilities of the director are described in Iowa Code section 216A.2. The director is appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor. The director is the chief administrative officer of the department and, in that capacity, administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the director include preparing a budget,

managing the internal operations of the department, appointing the deputy director and administrators of the divisions, and employing personnel. The director serves as an ex officio member of all of the commissions or councils within the department, as well as an ex officio, nonvoting member of the human rights board.

1.5(3) Central administration. The central administration office is responsible for the overall planning, policy, management, communications, finances, and operations of the department.

1.5(4) Divisions. The department is composed of the following divisions and offices:

a. Division of community action agencies. A description of the division is contained in 421—Chapter 20.

b. Division of criminal and juvenile justice planning. A description of the division is contained in 421—Chapter 30.

c. Division of community advocacy and services. The division of community advocacy and services contains the following offices: the office of Latino affairs, the office on the status of women, the office of persons with disabilities, the office of deaf services, the office on the status of African Americans, the office of Asian and Pacific Islander affairs, and the office of Native American affairs. A description of the division is contained in 421—Chapter 40.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—1.6(216A) Human rights board. The authority and duties of the human rights board are specified in Iowa Code section 216A.3. The department shall provide staff support to the board.

1.6(1) The board shall consist of 16 members, including 11 voting members and 5 nonvoting members and determined as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members appointed by the governor. For purposes of this subrule, “permanent commissions” means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term for voting members is four years. The board shall select a chairperson from the voting members of the board.

b. The nonvoting members shall consist of the department director; two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives; and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate. The regular term of an appointment made by a member of the general assembly shall be two years pursuant to Iowa Code section 69.16B.

1.6(2) A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board.

1.6(3) The board shall meet not less than four times a year. Meetings shall comply with the open meetings law, Iowa Code chapter 21. Agendas and approved minutes will be posted on the department’s website.

1.6(4) The board shall have the following duties:

a. Develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa’s productivity and inclusivity, including performance measures and benchmarks.

b. Approve, disapprove, amend, or modify the budget recommended by the director for the operation of the department, subject to the budget requirements pursuant to Iowa Code chapter 8.

c. Adopt administrative rules pursuant to Iowa Code chapter 17A, upon the recommendation of the director, for the operation of the department.

d. By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—1.7(216A) Potential conflicts of interest. Any member of the department's boards, commissions, or councils established in Iowa Code chapter 216A who may have a conflict of interest shall not vote on any substantive action on the matter in conflict. When a conflict of interest is determined to exist, the member shall abstain from voting and shall be recorded as abstaining when votes are taken. A quorum may include any member who has a conflict of interest, and a statement of a conflict of interest shall be conclusive for this purpose. Any vote by a member with a conflict shall be excluded.

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These rules are intended to implement Iowa Code chapters 17A and 216A.

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