

486—6.1(10A) Appeals.

6.1(1) *Form and time of appeal.* The department of public safety shall file with the employment appeal board notice of intent to dismiss or of intent to take other action, under the purview of Iowa Code section 80.15, regarding a member of the department, including capitol security officers covered under Iowa Code section 80.15. The notice of intent shall become final unless within 30 days a request (hereafter called an appeal) to appear and defend the charges is filed by the person named. No notice of intent to take action need be filed for action not under the purview of Iowa Code section 80.15. Such personnel actions are effective without following the process of Iowa Code section 80.15.

6.1(2) *Filing of appeal.* An appeal shall be deemed filed on the date it is delivered to the employment appeal board. If mailed, the postmark date, appearing on the envelope, if postage was prepaid and properly addressed, shall constitute the filing date.

The appeal board shall provide the respondent agency a copy of the appeal.

6.1(3) *Hearing date and notice.* Upon receipt of the appeal, a hearing date shall be scheduled and notice of the hearing shall be mailed, by ordinary mail, to the parties not less than ten days prior to the hearing date.

6.1(4) *Continuances.* A request for continuance shall be granted only upon showing of good cause by the requesting party. The request must be in writing, stating the grounds therefor, and signed by the requesting party or an authorized agent.

6.1(5) *Hearings.* The hearing shall be conducted by a quorum of the appeal board or an administrative law judge designated by the appeal board. A quorum of the appeal board shall consist of two members of the board.

6.1(6) *Decisions.* If the hearing is conducted by the employment appeal board, the decision of the board shall be the final decision. If the hearing is conducted by an administrative law judge, the decision shall be a proposed decision, which shall become the final decision 30 days after the issue date of that decision, unless a further appeal is taken to the employment appeal board. The employment appeal board on further review may reverse, modify, or remand the proposed decision. The decision of the employment appeal board shall be by majority vote. The decision of the employment appeal board shall be a final agency decision subject to review through a petition for judicial review filed within 30 days of the date of the employment appeal board decision in the appropriate district court.

This rule is intended to implement Iowa Code section 10A.601.

[ARC 2642C, IAB 8/3/16, effective 9/7/16]