

FEB 25 1988

Place On Calendar

HOUSE FILE 2337

BY COMMITTEE ON STATE GOVERNMENT

(Formerly House Study Bill 552)

Sub. to S.B. 2173

Passed House, Date 3/8/88 (y 100) Passed Senate, Date 3/25/88 (y 100)

Vote: Ayes 90 Nays 0 Vote: Ayes 41 Nays 0

Approved March 31, 1988 (p. 1316)

A BILL FOR

1 An Act relating to the jurisdiction of the employment appeal
2 board.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HI 2337

1 Section 1. Section 10A.601, subsection 1, Code 1987, is
2 amended to read as follows:

3 1. A full-time employment appeal board is created within
4 the department of inspections and appeals to hear and decide
5 contested cases under chapters 19A, 80, 88, 89A, 96, and 97B,
6 and-104.

7 Sec. 2. Section 88.8, subsection 2, Code 1987, is amended
8 to read as follows:

9 2. NONCOMPLIANCE NOTICE. If the commissioner has reason
10 to believe that an employer has failed to correct the
11 violation for which a citation has been issued within the
12 period permitted for its correction (which period shall not
13 begin to run until the entry of a final order by the appeal
14 board in the case of any review proceedings under this section
15 initiated by the employer in good faith and not solely for
16 delay or avoidance of penalties), the commissioner shall
17 notify the employer by certified mail of such the failure and
18 of the penalty proposed to be assessed under section 88.14 by
19 reason of such the failure, and that the employer has fifteen
20 working days within which to notify the commissioner that the
21 employer wishes to contest the commissioner's notification or
22 the proposed assessment of penalty. If, within fifteen working
23 days from the receipt of notification issued by the
24 commissioner, the employer fails to notify the commissioner
25 that the employer intends to contest the notification or
26 proposed assessment of penalty, the notification and
27 assessment, as proposed, shall be deemed the final order of
28 the commission appeal board and not subject to review by any
29 court or agency.

30 Sec. 3. Section 89A.1, Code 1987, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 19. "Appeal board" means the employment
33 appeal board created under section 10A.601.

34 EXPLANATION

35 The bill adds the state elevator code chapter to the list

1 of chapters in which the employment appeal board hears and
2 decides contested cases. Section 2 provides that the
3 employment appeal board is responsible for issuing final
4 orders under the occupational health and safety law. Section
5 3 defines appeal board to mean the employment appeal board in
6 the state elevator code.

7 SIMILAR TO HSB 552 (LSB 7299DH)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HSB 552

STATE GOVERNMENT

How
2337

House Study Bill 552
State Government: Connors, Chair; Halvorson of Webster, Hanson of Delaware, Running
and Shoning.

BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the jurisdiction of the employment appeal
2 board.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 10A.601, subsection 1, Code 1987, is
2 amended to read as follows:

3 1. A full-time employment appeal board is created within
4 the department of inspections and appeals to hear and decide
5 contested cases under chapters 19A, 80, 88, 89A, 89B (Division
6 II), 96, and 97B7-and-104.

7 Sec. 2. Section 88.8, subsection 2, Code 1987, is amended
8 to read as follows:

9 2. NONCOMPLIANCE NOTICE. If the commissioner has reason
10 to believe that an employer has failed to correct the
11 violation for which a citation has been issued within the
12 period permitted for its correction (which period shall not
13 begin to run until the entry of a final order by the appeal
14 board in the case of any review proceedings under this section
15 initiated by the employer in good faith and not solely for
16 delay or avoidance of penalties), the commissioner shall
17 notify the employer by certified mail of ~~such~~ the failure and
18 of the penalty proposed to be assessed under section 88.14 by
19 reason of ~~such~~ the failure, and that the employer has fifteen
20 working days within which to notify the commissioner that the
21 employer wishes to contest the commissioner's notification or
22 the proposed assessment of penalty. If, within fifteen working
23 days from the receipt of notification issued by the
24 commissioner, the employer fails to notify the commissioner
25 that the employer intends to contest the notification or
26 proposed assessment of penalty, the notification and
27 assessment, as proposed, shall be deemed the final order of
28 the commission appeal board and not subject to review by any
29 court or agency.

30 Sec. 3. Section 89A.1, Code 1987, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 19. "Appeal board" means the employment
33 appeal board created under section 10A.601.

34 EXPLANATION

35 The bill adds the state elevator code and the hazardous

1 chemical risks chapters to the list of chapters in which the
2 employment appeal board hears and decides contested cases.
3 Section 2 provides that the employment appeal board is
4 responsible for issuing final orders under the occupational
5 health and safety law. Section 3 defines appeal board to mean
6 the employment appeal board in the state elevator code.

7 BACKGROUND STATEMENT

8 SUBMITTED BY THE AGENCY

9 Reorganization of state government in 1986 created the
10 department of inspections and appeals from various pieces of
11 other state agencies. As a result, a number of Code
12 references are in need of revision or new references are
13 needed to accurately reflect the responsibilities, programs,
14 and activities of the department. The specific changes are as
15 follows:

16 1. Section 10A.601 is being amended to add chapter 89A,
17 state elevator code, and chapter 89B, hazardous chemicals
18 risks -- right to know, to the list of chapters in which the
19 employment appeal board hears and decides contested cases.
20 These additions were an oversight in the original legislation.

21 2. Section 88.8 is being amended to correct the reference
22 to the occupational safety and health commission. The
23 employment appeal board is responsible for the final orders.

24 3. Section 89A.1 is being amended to define "appeal board"
25 as the employment appeal board for clarification purposes.

26 COMPANION TO LSB 7300DS

27
28
29
30
31
32
33
34
35