

Senate File 2129 - Introduced

SENATE FILE 2129

BY PETERSEN

A BILL FOR

1 An Act concerning administrative law judges appointed or
2 employed by the public employment relations board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.412, subsection 11, Code 2016, is
2 amended to read as follows:

3 11. Professional employees under the supervision of the
4 attorney general, the state public defender, the secretary
5 of state, the auditor of state, the treasurer of state, and
6 the public employment relations board. However, employees of
7 the consumer advocate division of the department of justice,
8 other than the consumer advocate, and administrative law judges
9 appointed or employed by the public employment relations board
10 are subject to the merit system.

11 Sec. 2. Section 8A.415, subsection 1, paragraph b, Code
12 2016, is amended to read as follows:

13 b. If not satisfied, the employee may, within thirty
14 calendar days following the director's response, file an
15 appeal with the public employment relations board. The
16 hearing shall be conducted in accordance with the rules of the
17 public employment relations board and the Iowa administrative
18 procedure Act, chapter 17A. Decisions rendered shall be based
19 upon a standard of substantial compliance with this subchapter
20 and the rules of the department. Decisions by the public
21 employment relations board constitute final agency action.
22 However, if the employee is an administrative law judge
23 appointed or employed by the public employment relations board,
24 the employee's appeal shall be heard by an administrative law
25 judge employed by the administrative hearings division of the
26 department of inspections and appeals in accordance with the
27 provisions of section 10A.801, whose decision shall constitute
28 final agency action.

29 Sec. 3. Section 8A.415, subsection 2, paragraph b, Code
30 2016, is amended to read as follows:

31 b. If not satisfied, the employee may, within thirty
32 calendar days following the director's response, file an appeal
33 with the public employment relations board. The employee has
34 the right to a hearing closed to the public, unless a public
35 hearing is requested by the employee. The hearing shall

1 otherwise be conducted in accordance with the rules of the
 2 public employment relations board and the Iowa administrative
 3 procedure Act, chapter 17A. If the public employment relations
 4 board finds that the action taken by the appointing authority
 5 was for political, religious, racial, national origin, sex,
 6 age, or other reasons not constituting just cause, the employee
 7 may be reinstated without loss of pay or benefits for the
 8 elapsed period, or the public employment relations board may
 9 provide other appropriate remedies. Decisions by the public
 10 employment relations board constitute final agency action.
 11 However, if the employee is an administrative law judge
 12 appointed or employed by the public employment relations board,
 13 the employee's appeal shall be heard by an administrative law
 14 judge employed by the administrative hearings division of the
 15 department of inspections and appeals in accordance with the
 16 provisions of section 10A.801, whose decision shall constitute
 17 final agency action.

EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
 20 the explanation's substance by the members of the general assembly.

21 Code section 8A.412 is amended to provide that
 22 administrative law judges appointed or employed by the public
 23 employment relations board are subject to the merit system.

24 Code section 8A.415 is amended to provide that an appeal
 25 concerning a grievance or discipline by an administrative law
 26 judge appointed or employed by the public employment relations
 27 board shall be heard by an administrative law judge employed
 28 by the administrative hearings division of the department
 29 of inspections and appeals and not by the public employment
 30 appeals board.