

House File 495 - Introduced

HOUSE FILE 495
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 146)

A BILL FOR

1 An Act relating to investigations conducted by the office of
2 ombudsman.

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

1 Section 1. Section 2C.11A, Code 2023, is amended to read as
2 follows:

3 **2C.11A Subjects for investigations — disclosures of**
4 **information.**

5 The office of ombudsman shall investigate or, only if the
6 employee is represented by counsel in the matter, decline to
7 investigate a complaint filed by an employee who is not a
8 merit system employee or an employee covered by a collective
9 bargaining agreement and who alleges that adverse employment
10 action has been taken against the employee in violation of
11 section 70A.28, subsection 2. A complaint filed pursuant
12 to **this section** shall be made within thirty calendar days
13 following the effective date of the adverse employment action.
14 The ombudsman shall investigate review the matter and shall,
15 in writing to the employee, either decline to investigate the
16 matter or issue findings following an investigation relative
17 to the complaint in an expeditious manner. The ombudsman's
18 findings following an investigation shall also be provided to
19 the agency or officer who is the subject of the allegations.

20 Sec. 2. Section 70A.28, subsection 6, Code 2023, is amended
21 to read as follows:

22 6. **Subsection 2** may also be enforced by an employee through
23 an administrative action pursuant to the requirements of this
24 subsection if the employee is not a merit system employee or
25 an employee covered by a collective bargaining agreement. An
26 employee eligible to pursue an administrative action pursuant
27 to **this subsection** who is discharged, suspended, demoted,
28 or otherwise receives a reduction in pay and who believes
29 the adverse employment action was taken as a result of the
30 employee's disclosure of information that was authorized
31 pursuant to **subsection 2**, may file an appeal of the adverse
32 employment action with the public employment relations
33 board within thirty calendar days following the later of the
34 effective date of the action or the date a finding or written
35 decision declining to investigate is issued to the employee

1 by the office of ombudsman pursuant to [section 2C.11A](#). The
2 findings issued by the ombudsman may be introduced as evidence
3 before the public employment relations board. The employee has
4 the right to a hearing closed to the public, but may request a
5 public hearing. The hearing shall otherwise be conducted in
6 accordance with the rules of the public employment relations
7 board and the Iowa administrative procedure Act, [chapter 17A](#).
8 If the public employment relations board finds that the action
9 taken in regard to the employee was in violation of subsection
10 2, the employee may be reinstated without loss of pay or
11 benefits for the elapsed period, or the public employment
12 relations board may provide other appropriate remedies.
13 Decisions by the public employment relations board constitute
14 final agency action.

15 EXPLANATION

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

18 This bill concerns investigations conducted by the office
19 of ombudsman.

20 Code section 2C.11A, concerning certain whistleblower
21 complaints filed by an employee that are subject to
22 investigation by the office of ombudsman, is amended to provide
23 that the office of ombudsman may, in writing to the employee,
24 decline to investigate the complaint if the employee is
25 represented by counsel in the matter. The bill also provides
26 that if findings are issued following an investigation, the
27 findings shall also be provided to the agency or officer who
28 is the subject of the allegations. Code section 70A.28,
29 concerning whistleblower complaints, is amended to conform to
30 the changes made to Code section 2C.11A.