SENATE FILE 317

BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1039)

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 either investigate or decline
6 to investigate a complaint filed by an employee who is not a
7 merit system employee or an employee covered by a collective
8 bargaining agreement and who alleges that adverse employment
9 action has been taken against the employee in violation of
10 section 70A.28, subsection 2. A complaint filed pursuant
11 to this section shall be made within thirty calendar days
12 following the effective date of the adverse employment action.
13 The ombudsman shall ~~investigate~~ review the matter and shall,
14 in writing to the employee, either decline to investigate the
15 matter or issue findings following an investigation relative
16 to the complaint in an expeditious manner. The ombudsman's
17 findings following an investigation shall also be provided to
18 the agency or officer who is the subject of the allegations.
19 Sec. 2. Section 70A.28, subsection 6, Code 2023, is amended
20 to read as follows:
21 6. Subsection 2 may also be enforced by an employee through
22 an administrative action pursuant to the requirements of this
23 subsection if the employee is not a merit system employee or
24 an employee covered by a collective bargaining agreement. An
25 employee eligible to pursue an administrative action pursuant
26 to this subsection who is discharged, suspended, demoted,
27 or otherwise receives a reduction in pay and who believes
28 the adverse employment action was taken as a result of the
29 employee's disclosure of information that was authorized
30 pursuant to subsection 2, may file an appeal of the adverse
31 employment action with the public employment relations
32 board within thirty calendar days following the later of the
33 effective date of the action or the date a finding or written
34 decision declining to investigate is issued to the employee
35 by the office of ombudsman pursuant to section 2C.11A. The

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

14   EXPLANATION

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

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