

House Study Bill 212 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

A BILL FOR

1 An Act relating to affirmative action and equal opportunity
2 requirements for state and certain educational entities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8A.111, subsection 7, Code 2025, is
2 amended by striking the subsection.

3 Sec. 2. Section 8A.402, subsection 1, paragraph d, Code 2025,
4 is amended to read as follows:

5 d. Equal employment opportunity, ~~affirmative action,~~ and
6 workforce diversity programs.

7 Sec. 3. Section 19B.1, subsection 1, Code 2025, is amended by
8 striking the subsection.

9 Sec. 4. Section 19B.2, subsection 1, Code 2025, is amended to
10 read as follows:

11 1. It is the policy of this state to provide equal
12 opportunity in state employment to all persons. An individual
13 shall not be denied equal access to state employment
14 opportunities because of race, creed, color, religion, national
15 origin, sex, age, or physical or mental disability. ~~It also is~~
16 ~~the policy of this state to apply affirmative action measures to~~
17 ~~correct deficiencies in the state employment system where those~~
18 ~~remedies are appropriate. This policy shall be construed broadly~~
19 ~~to effectuate its purposes.~~

20 Sec. 5. Section 19B.3, Code 2025, is amended to read as
21 follows:

22 **19B.3 Administrative responsibilities of department of**
23 **administrative services and board of regents.**

24 1. The department of administrative services is responsible
25 for the administration and promotion of equal opportunity and
26 ~~affirmative action~~ efforts in the recruitment, appointment,
27 assignment, and advancement of personnel by all state agencies
28 except the state board of regents and the institutions under ~~its~~
29 the board's jurisdiction. In carrying out this responsibility,
30 the department shall do all of the following with respect to
31 state agencies other than the state board of regents and ~~its~~ the
32 board's institutions:

33 ~~a. Designate a position as the state affirmative action~~
34 ~~administrator.~~

35 ~~b. Propose affirmative action standards applicable to each~~

1 ~~state agency based on the population of the community in which~~
2 ~~the agency functions, the population served by the agency, or the~~
3 ~~persons that can be reasonably recruited.~~

4 ~~e. Gather data necessary to maintain an ongoing assessment of~~
5 ~~affirmative action efforts in state agencies.~~

6 ~~d. Monitor accomplishments with respect to affirmative action~~
7 ~~remedies identified in affirmative action plans of state~~
8 ~~agencies.~~

9 ~~e. Conduct studies of preemployment and postemployment~~
10 ~~processes in order to evaluate employment practices and develop~~
11 ~~improved methods of dealing with all employment issues related to~~
12 ~~equal employment opportunity and affirmative action.~~

13 ~~f. Establish a state recruitment coordinating committee to~~
14 ~~assist in addressing affirmative action recruitment needs,~~
15 ~~with members appointed by the director of the department of~~
16 ~~administrative services.~~

17 ~~g. a. Address equal opportunity and affirmative action~~
18 ~~training needs of all state agencies by doing all of the~~
19 ~~following:~~

20 ~~(1) Providing appropriate training for managers and~~
21 ~~supervisors.~~

22 ~~(2) Insuring Ensuring that all state agencies make training~~
23 ~~available for all staff members whose duties relate to personnel~~
24 ~~administration.~~

25 ~~(3) Investigating means for training in the area of career~~
26 ~~development.~~

27 ~~h. b. Coordinate and develop equal employment opportunity~~
28 ~~reports, including the initiation of the processes necessary for~~
29 ~~the completion of the annual EEO-4 report required by the federal~~
30 ~~equal employment opportunity commission.~~

31 ~~i. c. Address equal opportunity and affirmative action~~
32 ~~policies with respect to employee benefits and leaves of absence.~~

33 ~~j. d. Adopt equal employment opportunity and affirmative~~
34 ~~action rules in accordance with chapter 17A.~~

35 2. The state board of regents is responsible for the

1 administration and promotion of equal opportunity and affirmative
2 action efforts in the recruitment, appointment, assignment, and
3 advancement of personnel by the board and the institutions under
4 its jurisdiction. In carrying out this responsibility, the board
5 shall do all of the following with respect to the board and its
6 institutions:

7 ~~a. Designate a position as the regents' affirmative action~~
8 ~~coordinator.~~

9 ~~b. Propose affirmative action standards applicable to the~~
10 ~~board and each institution under its jurisdiction.~~

11 ~~c. Gather data necessary to maintain an ongoing assessment of~~
12 ~~affirmative action efforts.~~

13 ~~d. Monitor accomplishments with respect to affirmative action~~
14 ~~remedies identified in affirmative action plans.~~

15 ~~e. Conduct studies of preemployment and postemployment~~
16 ~~processes in order to evaluate employment practices and develop~~
17 ~~improved methods of dealing with all employment issues related to~~
18 ~~equal employment opportunity and affirmative action.~~

19 ~~f. Establish an equal employment committee to assist in~~
20 ~~addressing affirmative action needs, including recruitment.~~

21 ~~g. a. Address equal opportunity and affirmative action~~
22 ~~training needs by doing all of the following:~~

23 (1) Providing appropriate training for managers and
24 supervisors.

25 (2) ~~Insuring~~ Ensuring that the board and its institutions
26 make training available for all staff members whose duties relate
27 to personnel administration.

28 (3) Investigating means for training in the area of career
29 development.

30 ~~h. b.~~ Require development of equal employment opportunity
31 reports, including the initiation of the processes necessary
32 for the completion of reports required by the federal equal
33 employment opportunity commission.

34 ~~i. c.~~ Address equal opportunity and affirmative action
35 policies with respect to employee benefits and leaves of absence.

1 ~~j.~~ d. Adopt equal employment opportunity and ~~affirmative~~
2 ~~action~~ rules in accordance with chapter 17A.

3 Sec. 6. Section 19B.4, subsection 1, Code 2025, is amended by
4 striking the subsection.

5 Sec. 7. Section 19B.6, Code 2025, is amended to read as
6 follows:

7 **19B.6 Responsibilities of department of administrative**
8 **services — ~~affirmative action.~~**

9 The department of administrative services shall oversee
10 the implementation of sections 19B.1 through ~~19B.5~~ 19B.4 and
11 shall work with the governor to ensure compliance with those
12 sections, ~~including the attainment of affirmative action goals~~
13 ~~and timetables,~~ by all state agencies, excluding the state board
14 of regents and ~~its~~ the board's institutions.

15 Sec. 8. Section 19B.7, subsection 1, paragraph a,
16 subparagraph (2), Code 2025, is amended by striking the
17 subparagraph.

18 Sec. 9. Section 19B.7, subsection 1, paragraph d, Code 2025,
19 is amended to read as follows:

20 d. Report results under the contract compliance policy to
21 the governor and the general assembly on an annual basis.
22 Any information reported by the department of administrative
23 services to the economic development authority pursuant to
24 section 15.108 shall not be required to be part of the report
25 under this paragraph. ~~The report shall detail specific efforts~~
26 ~~to promote equal opportunity through state contracts and services~~
27 ~~and efforts to promote, develop, and stimulate the utilization~~
28 ~~of minority, women's, and disadvantaged business enterprises in~~
29 ~~programs receiving or benefiting from state financial assistance.~~

30 Sec. 10. Section 19B.11, Code 2025, is amended to read as
31 follows:

32 **19B.11 School districts, area education agencies, and**
33 **community colleges — duties of director of department of**
34 **education.**

35 1. It is the policy of this state to provide equal

1 opportunity in school district, area education agency, and
2 community college employment to all persons. An individual
3 shall not be denied equal access to school district, area
4 education agency, or community college employment opportunities
5 because of race, creed, color, religion, national origin, sex,
6 age, or physical or mental disability. ~~It also is the~~
7 ~~policy of this state to apply affirmative action measures to~~
8 ~~correct deficiencies in school district, area education agency,~~
9 ~~and community college employment systems where those remedies~~
10 ~~are appropriate.~~ This policy shall be construed broadly to
11 effectuate its purposes.

12 2. The director of the department of education shall actively
13 promote fair employment practices for all school district, area
14 education agency, and community college employees and the state
15 board of education shall adopt rules requiring specific steps by
16 school districts, area education agencies, and community colleges
17 to accomplish the goals of equal employment opportunity and
18 ~~affirmative action~~ in the recruitment, appointment, assignment,
19 and advancement of personnel. ~~Each school district, area~~
20 ~~education agency, and community college shall be required~~
21 ~~to develop affirmative action standards which are based on~~
22 ~~the population of the community in which it functions, the~~
23 ~~student population served, or the persons who can be reasonably~~
24 ~~recruited.~~ The director of education shall consult with the
25 department of administrative services in the performance of
26 duties under this section.

27 3. ~~Each school district, area education agency, and community~~
28 ~~college in the state shall submit to the director of the~~
29 ~~department of education an annual report of the accomplishments~~
30 ~~and programs of the district, agency, or community college in~~
31 ~~carrying out its duties under this section. The report shall~~
32 ~~be submitted between December 15 and December 31 each year. The~~
33 ~~director shall prescribe the form and content of the report.~~

34 4. 3. The director of the department of education shall
35 prepare a compilation of the reports required by subsection 3

1 ~~and shall~~ submit this compilation, together with a report of the
2 director's accomplishments and programs pursuant to this section,
3 to the department of management by January 31 of each year.

4 Sec. 11. Section 256.183, subsection 1, paragraph d, Code
5 2025, is amended to read as follows:

6 d. Promotes equal opportunity ~~and affirmative action~~ efforts
7 in the recruitment, appointment, assignment, and advancement of
8 personnel at the institution and provides information regarding
9 such efforts to the commission upon request.

10 Sec. 12. Section 602.1204, subsection 2, Code 2025, is
11 amended to read as follows:

12 2. The state court administrator may issue directives
13 relating to the management of the judicial branch. The subject
14 matters of these directives shall include, but need not be
15 limited to, fiscal procedures, the judicial retirement system,
16 and the collection and reporting of statistical and other data.
17 ~~The directives shall provide for an affirmative action plan which~~
18 ~~shall be based upon guidelines provided by the Iowa state civil~~
19 ~~rights commission.~~ In addition, when establishing salaries and
20 benefits the state court administrator shall not discriminate in
21 the employment or pay between employees on the basis of gender by
22 paying wages to employees at a rate less than the rate at which
23 wages are paid to employees of the opposite gender for work of
24 comparable worth. As used in this section "comparable worth"
25 means the value of work as measured by the composite of the
26 skill, effort, responsibility, and working conditions normally
27 required in the performance of work.

28 Sec. 13. Section 602.1209, subsection 3, Code 2025, is
29 amended to read as follows:

30 3. Authorize the filling of vacant court employee positions,
31 and review the qualifications of each person to be employed
32 within the judicial branch, ~~and assure that affirmative action~~
33 ~~goals are being met by the judicial branch.~~ The state court
34 administrator shall not approve the employment of a person
35 when either the proposed terms and conditions of employment or

1 the qualifications of the individual do not satisfy personnel
2 policies of the judicial branch. The administrator shall
3 implement the comparable worth directives issued under section
4 602.1204, subsection 2, in all court employment decisions.
5 Sec. 14. REPEAL. Sections 19B.5 and 19B.8, Code 2025, are
6 repealed.

7 EXPLANATION

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

10 Current law sets forth a state policy to apply affirmative
11 action measures to correct deficiencies in the state employment
12 system where those remedies are appropriate, and sets forth
13 various requirements relating to affirmative action for state and
14 educational entities including but not limited to the department
15 of administrative services (DAS), the state board of regents, the
16 judicial branch, the department of education, school districts,
17 area education agencies, community colleges, and accredited
18 private institutions.

19 This bill strikes or repeals those provisions, including
20 but not limited to provisions requiring the preparation of an
21 affirmative action plan (Code section 19B.4(1)) and submission
22 of annual affirmative action reports by each state agency (Code
23 section 19B.5). The bill also strikes a provision requiring
24 DAS and the board of regents to conduct studies to evaluate
25 employment practices and develop improved methods of dealing with
26 all employment issues related to equal employment opportunity and
27 affirmative action.

28 The bill strikes the requirement that DAS' and the state board
29 of regents' contract compliance policies assure the utilization
30 of minority, women's, and disadvantaged business enterprises
31 (Code section 19B.7(1)(a)(2)) and that DAS and the board of
32 regents report on specific efforts related to equal opportunity
33 and the use of minority, women's, and disadvantaged business
34 enterprises.

35 The bill repeals a provision allowing DAS to impose sanctions

1 on a state agency, community college, area education agency,
2 or school district to ensure compliance with state programs
3 emphasizing equal opportunity through affirmative action,
4 contract compliance policies, and procurement goals for targeted
5 small businesses (Code section 19B.8).

6 The bill strikes the obligation of school districts, area
7 education agencies, and community colleges to submit an annual
8 report to the director of the department of education on
9 accomplishments and programs related to equal opportunity and
10 affirmative action.

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