

OFFICE OF CIVIL RIGHTS[161]

Adopted and Filed Emergency

Rulemaking related to contested cases before the Iowa Civil Rights Commission.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 216.5(14).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This amendment modifies the Uniform Rules on Agency Procedure related to contested cases (161—Chapter 2506) to ensure that claims governed by Iowa Code chapter 216 (Iowa Civil Rights Act) specify the correct administrative appellate body.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Office finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the law (2026 Iowa Acts, Senate File 2463).

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1), the Office also finds that the normal effective date of rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026. After that date, the Office's current rules will be rescinded consistent with the new Uniform Rules of Agency Procedure, and there are small inconsistencies between the contested case provisions of the Uniform Rules and the procedure laid out under the Iowa Civil Rights Act.

Adoption of Rulemaking

This rulemaking was adopted by the Office on March 16, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as ARC **{XXXXC}** to allow for public comment.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Office for a waiver of the discretionary provisions, if any, pursuant to 161—15.3.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 30, 2026.

The following rulemaking action is adopted:

Item 1. Adopt the following **new** 161—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

161—2506.26(17A) Final decision.

161—2506.26(2)(17A) When the Commission does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the Commission without further proceedings unless there is an appeal of the proposed decision to the Commission, or review of the proposed decision on the Commission's own motion, in accordance with rule 7—2506.27(17A).

161—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the Commission within 30 days after the decision is issued.

2506.27(2) *Review.* The Commission may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the Commission. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

- d. The relief sought; and
- e. The grounds for relief.

2506.27(4) *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 14 days of service of the notice of appeal, if by a non-appealing party. The Commission will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence. The Commission may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

2506.27(5) *Scheduling.* The Commission will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The Commission may resolve the appeal on the briefs or provide an opportunity for oral argument. The Commission may shorten or extend the briefing period as appropriate.

161—2506.29(17A) Stays of agency actions.

2506.29(1) *When available.*

a. Any party may petition the Commission to stay the effect of an order, or for other temporary remedies, pending review of the order by the Commission. The petition must be filed with the

notice of appeal and must state the reasons justifying a stay or other temporary remedy. The Commission may rule on the stay or authorize the presiding officer to do so.

b. Any party may petition the Commission for a stay, or other temporary remedies, pending judicial review of all or part of that proceeding. The petition must state the reasons justifying a stay or other temporary remedy.

2506.29(2) *When granted.* The presiding officer or Commission will consider the factors listed in Iowa Code section 17A.19(5) “*c*” when deciding whether to grant the stay or other temporary remedy.

2506.29(3) *Vacation.* The presiding officer or Commission may vacate a stay or other temporary remedy on the motion of the Commission or any other party.