

## Red Tape Review Rule Report (Due: September 1, 2026)

<b>Department Name:</b>	Employment Appeal Board	<b>Date:</b>	May 5, 2026	<b>Total Rule Count:</b>	10
<b>IAC #:</b>	621	<b>Chapter/ SubChapter/ Rule(s):</b>	11	<b>Iowa Code Section Authorizing Rule:</b>	Iowa Code section 8A.415
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

The Iowa Employee Merit System establishes a structured, non-partisan framework for state personnel management based on competence and fitness. Its primary purpose is to ensure efficient government operations by managing hiring, promotion, and discipline based on merit, ensuring equal employment opportunities, and providing career stability for employees. Chapter 11 consists of procedural rules for State of Iowa employees to appeal disciplinary actions or response to a grievance of alleged violations of DAS rules.

**Is the benefit being achieved? Please provide evidence.**

Yes. The rules ensure that all interested parties are afforded due process as it relates to appeals of disciplinary actions and responses to grievances from merit-protected State of Iowa employees.

**What are the costs incurred by the public to comply with the rule?**

The costs incurred by the general public to comply with these rules are minimal to non-existent. Parties to an appeal may need to participate in a hearing conducted by an administrative law judge. The nonprevailing party is assessed the costs of a court reporter. The State of Iowa may also be ordered to pay back pay to the appealing employee. There is no filing fee or other penalty that is assessed in this chapter.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

The primary agency costs to implement and enforce this chapter are personnel costs and contracted services. An attorney and/or paralegal review and process the actions filed with the EAB pursuant to this chapter. The cases are processed through a filing system, Tybera. The EAB also uses this system to process other case types. If a hearing is held, it is conducted by an administrative law judge employed by the Department of Inspections, Appeals, and Licensing in the Administrative Hearing Division. The EAB contracts with DIAL to compensate for the ALJ's time. Finally, if an appeal of the ALJ's proposed decision is filed, the Board members and one attorney will spend time reviewing the case and drafting a decision.

**Do the costs justify the benefits achieved? Please explain.**

Yes. Providing this avenue for relief likely results in less litigation in district court for the State of Iowa. It also results in management being required to make employment decisions based on merit, which results in a more competent workforce.

Are there less restrictive alternatives to accomplish the benefit?  YES  NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Adjudicatory procedural rules are required for to assure orderly process. When choices were made here, for example, imposing deadlines and the like the rules supply appropriate flexibility, but also must be mindful of the impact on the opposing party. Any set of procedural rules would do likewise.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

621-11.3. Service of appeal. Language is outdated and does not reflect the current process  
621-11.6. Right to hearing. Language is outdated and does not reflect the current process

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

621-11.7. Final decisions.  
621-11.8. Review by board.  
621-11.10. Other rules.

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

**\*For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

<b>Total number of rules repealed:</b>	3
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	230
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	5

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

CHAPTER 116

STATE EMPLOYEE APPEALS OF GRIEVANCE DECISIONS

AND DISCIPLINARY ACTIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

~~621—11486—16.1~~(8A,20) **Notice of appeal rights.** When the director of the Iowa department of administrative services (hereinafter referred to as the director) issues a response to an employee pursuant to Iowa Code section 8A.415 and the response does not grant the relief sought by the employee, the response shall include notice to the affected employee that the employee may appeal the response by filing an appeal with the ~~public~~ employment ~~relations~~ ~~appeal~~ board within 30 days of the date of the director's response.

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

~~621—11486—16.2~~(8A,20) **Filing of appeal.**

~~1116.2~~(1) **Grievances.** An employee, except an employee covered by a collective bargaining agreement that provides otherwise, who has filed a grievance and is not satisfied with the director's response, may file an appeal with the ~~agency~~ ~~appeal~~ ~~board~~. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if no response was issued by the director within 30 calendar days following the filing of the third-step grievance with the director, the employee may consider the grievance denied ~~and file an appeal with the agency or may await the director's response and, if not satisfied, file an appeal within 30 days following the date the response is issued.~~

~~1116.2~~(2) **Disciplinary appeals.** A nonprobationary merit system employee as described in Iowa Code section 8A.412, except an employee covered by a collective bargaining agreement ~~that provides otherwise~~, who is discharged, suspended, demoted, or otherwise receives a reduction in pay, and who appeals the action to the director and is not satisfied with the director's response, may file an appeal with the ~~agency~~ ~~appeal~~ ~~board~~. Such appeal must be filed within 30 calendar days following the date the

director's response was issued. However, if ~~no response was issued by~~ the director ~~fails to issue a response~~ within 30 calendar days following the filing of the ~~third step grievance appeal~~ with the director, ~~then~~ the employee may consider the ~~grievance appeal~~ denied and file an appeal with the ~~agency or may await the director's response and, if not satisfied, file an appeal within 30 days following the date the response is issued~~ appeal board.

~~1116,2(3)~~ *Method of filing.* Appeals ~~shall and all other pleadings must~~ be electronically filed pursuant to ~~621486~~—Chapter ~~1618~~.

~~[ARC 2916C, IAB 1/18/17, effective 2/22/17]~~

~~621—11486—16.3(8A,20)~~ **Service of appeal.** The ~~agency shall~~ appeal board ~~will~~ serve a copy of the appeal ~~upon~~ the director by ~~ordinary mail~~ electronic means when possible, and where service by ~~electronic means is not possible, either by personal service as provided~~ in the ~~manner specified~~ Iowa Rules of Civil Procedure; or by certified mail, return receipt requested; or by first-class mail; or by ~~publication as provided~~ in ~~rules 621—2.15(20) and 621—16.10(20)~~; the Iowa Rules of Civil Procedure.

~~[ARC 2916C, IAB 1/18/17, effective 2/22/17]~~

~~621—11486—16.4(8A,20)~~ **Content of appeal.**

~~—1116,4(1)—~~ The appeal shall contain the following:

- ~~a.~~ Name, address, telephone number, and ~~e-mail~~ email address of the appealing employee;
- ~~b.~~ Name of agency/department by which the appealing employee is/was employed;
- ~~c.~~ A brief statement of the reasons for the appealing employee's dissatisfaction with the director's response;
- ~~d.~~ A statement of the requested remedy;
- ~~e.~~ The name, address, telephone number, and e-mail address of the appealing employee's representative, if any;
- ~~f.~~ Signature of the appealing employee or employee's representative; and

g. In the case of a disciplinary action appeal filed pursuant to Iowa Code section 8A.415(2), a statement of whether the employee requests a hearing open to the public.

~~1116.4(2)~~ Completion of the State Employee Grievance and Disciplinary Action Appeal Form shall constitute ~~compliance~~ complies with all the requirements in subrule ~~1116.4~~ 16.4(1).

[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 2916C, IAB 1/18/17, effective 2/22/17]

~~621—11486—16.5~~ **16.5(8A,20) Content of director’s response to the appeal.**

~~1116.5(1)~~ The director ~~shall have~~ should file a motion or answer within 15 days from the date of service of the employee’s appeal ~~in which to file a motion or answer with the agency~~.

~~1116.5(2)~~ The motion or answer ~~shall~~ must contain the following:

- a. The names of the appealing employee and the employing agency/department;
- b. The name, address, telephone number, and ~~e-mail~~ email address of the employing agency’s/department’s representative; and
- c. ~~A copy of the original grievance and first , second , and third step responses issued; and~~
- ~~d.~~ Signature of the employing agency’s/department’s representative.

~~11.5(3)~~ ~~The director’s motion or answer shall be electronically filed pursuant to 621—~~  
~~Chapter 16.~~

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

~~621—11486—16.6~~ **16.6(8A,20) Right to a hearing.**

a. An employee appealing a grievance pursuant to Iowa Code ~~section~~ subsection 8A.415(1) has a right to a hearing, ~~which is~~. The hearing must be open to the public. An employee appealing disciplinary action pursuant to Iowa Code ~~section~~ subsection 8A.415(2) has a right to a hearing, ~~which that~~ is closed to the public unless the employee requests a hearing open to the public. ~~Hearings will otherwise be conducted in accordance with 621—Chapter 2.~~

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

~~621—11.7~~ **11.7(8A,20) Final decisions.**

~~11.7(1) When a majority of the board presides at the reception of the evidence in a grievance or disciplinary action appeal, the decision of the board is the final decision of the agency.~~

~~11.7(2) When a majority of the board does not preside at the reception of the evidence in a grievance or disciplinary appeal, the presiding officer shall make a proposed decision that becomes the final decision of the agency without further proceedings unless:~~

~~a. There is a petition for the board's review filed within 20 days of the filing of the proposed decision, or~~

~~b. The board, within 20 days of the filing of the proposed decision, determines to review the decision on its own motion.~~

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

~~621—11.8(8A,20) Review by board. Proceedings on the board's review of the proposed decision shall be in accordance with 621—Chapter 9.~~

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

~~621—11.9(8A,20) b. The board will file a transmittal form with a copy of the appeal attached. After the matter is transmitted, future filings must be made in the administrative hearings division's Administrative Electronic Document Management System (AEDMS).~~

~~c. After the case is transmitted to the division of administrative hearings, it will be assigned a case number. The administrative hearings division will assign the proceeding to an administrative law judge to serve as a presiding officer. The administrative law judge will issue a notice for a prehearing conference or a notice of hearing.~~

~~d. The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.~~

~~e. The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 486—2506.27 and 28(17A). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.~~

~~486—16.7(8A,20) Costs of certified shorthand reporters and transcripts.~~

~~11.916.7(1)~~ *Initial payment.* The ~~agency appeal board~~ will arrange for a certified shorthand reporter to report the contested case hearing and request that an original transcript of the hearing be prepared by the reporter for the ~~agency's appeal board's~~ use. The ~~agency appeal board~~ initially shall pay the reporter's reasonable compensation for reporting the hearing and producing the ~~agency requested~~ transcript.

~~11.916.7(2)~~ *Taxation as costs.* The ~~cost of reporting and of the agency requested transcript shall be taxed as costs against the~~ nonprevailing party or parties ~~although will be taxed~~ the ~~presiding officer, or the board on appeal or review~~ full cost of a proposed decision reporting and transcription, unless the final order, ~~may apportion such apportions these~~ costs in another manner ~~if appropriate under the circumstances.~~

~~11.916.7(3)~~ *Payment of taxed costs.* Following final ~~agency~~ action of the ~~appeal board~~ in a case, the ~~agency appeal board~~ will prepare and serve a bill of costs upon the party or parties against whom the costs have been taxed. Those parties shall, within 30 days of such service, remit to the ~~agency appeal board~~ the amount specified in the bill of costs. Sums remitted to the agency shall be considered repayment receipts as defined in Iowa Code section ~~8.2.~~

[ARC 3278C, IAB 8/30/17, effective 8/10/17]

~~621—11.10(8A,20) Other rules.~~ Any matters not specifically addressed by the rules contained in this chapter shall be governed by the general provisions of the rules of the agency.

[ARC 2916C, IAB 1/18/17, effective 2/22/17; ARC 3278C, IAB 8/30/17, effective 8/10/17]

~~These rules are intended to implement Iowa Code chapters 8A8A and 20:20.~~

~~{Filed emergency 8/4/86 — published 8/27/86, effective 8/4/86}~~

~~{Filed 10/15/86, Notice 8/27/86 — published 11/5/86, effective 12/10/86}~~

~~{Filed emergency 9/30/88 — published 10/19/88, effective 9/30/88}~~

~~{Filed 2/1/89, Notice 12/28/88 — published 2/22/89, effective 3/30/89}~~

~~{Filed 1/22/97, Notice 12/18/96 — published 2/12/97, effective 3/18/97}~~

~~{Filed ARC 1583C (Notice ARC 1507C, IAB 6/25/14), IAB 8/20/14, effective 9/24/14}~~

~~{Filed ARC 2916C (Notice ARC 2817C, IAB 11/23/16), IAB 1/18/17, effective 2/22/17}~~

[Filed Emergency ARC 3278C, IAB 8/30/17, effective 8/10/17]

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## CHAPTER 16

### STATE EMPLOYEE APPEALS OF GRIEVANCE DECISIONS

#### AND DISCIPLINARY ACTIONS

**486—16.1(8A,20) Notice of appeal rights.** When the director of the Iowa department of administrative services (hereinafter referred to as the director) issues a response to an employee pursuant to Iowa Code section 8A.415 and the response does not grant the relief sought by the employee, the response shall include notice to the affected employee that the employee may appeal the response by filing an appeal with the employment appeal board within 30 days of the date of the director's response.

**486—16.2(8A,20) Filing of appeal.**

**16.2(1) Grievances.** An employee, except an employee covered by a collective bargaining agreement that provides otherwise, who has filed a grievance and is not satisfied with the director's response, may file an appeal with the appeal board. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if no response was issued by the director within 30 calendar days following the filing of the third-step grievance with the director, the employee may consider the grievance denied.

**16.2(2) Disciplinary appeals.** A nonprobationary merit system employee as described in Iowa Code section 8A.412, except an employee covered by a collective bargaining agreement that provides otherwise, who is discharged, suspended, demoted, or otherwise receives a reduction in pay, and who appeals the action to the director and is not satisfied with the director's response, may file an appeal with the appeal board. Such appeal must be filed within 30 calendar days following the date the director's response was issued. However, if the director fails to issue a response within 30 calendar days following the filing of the appeal with the director, then the employee may consider the appeal denied and file an appeal with the appeal board.

**16.2(3) Method of filing.** Appeals and all other pleadings must be electronically filed pursuant to 486—Chapter 18.

**486—16.3(8A,20) Service of appeal.** The appeal board will serve a copy of the appeal on the director by electronic means when possible, and where service by electronic means is not possible, either by personal service as provided in the Iowa Rules of Civil Procedure; or by certified mail, return receipt requested; or by first-class mail; or by publication as provided in the Iowa Rules of Civil Procedure.

**486—16.4(8A,20) Content of appeal.**

**16.4(1)** The appeal shall contain the following:

- a.* Name, address, telephone number, and email address of the appealing employee;
- b.* Name of agency/department by which the appealing employee is/was employed;
- c.* A brief statement of the reasons for the appealing employee's dissatisfaction with the director's response;
- d.* A statement of the requested remedy;
- e.* The name, address, telephone number, and e-mail address of the appealing employee's representative, if any;
- f.* Signature of the appealing employee or employee's representative; and
- g.* In the case of a disciplinary action appeal filed pursuant to Iowa Code section 8A.415(2), a statement of whether the employee requests a hearing open to the public.

**16.4(2)** Completion of the State Employee Grievance and Disciplinary Action Appeal Form complies with all the requirements in subrule 16.4(1).

**486—16.5(8A,20) Content of director's response to the appeal.**

**16.5(1)** The director should file a motion or answer within 15 days from the date of service of the employee's appeal.

**16.5(2)** The motion or answer must contain the following:

- a.* The names of the appealing employee and the employing agency/department;
- b.* The name, address, telephone number, and email address of the employing agency's/department's representative; and

c. Signature of the employing agency's/department's representative.

**486—16.6(8A,20) Right to a hearing.**

a. An employee appealing a grievance pursuant to Iowa Code subsection 8A.415(1) has a right to a hearing. The hearing must be open to the public. An employee appealing disciplinary action pursuant to Iowa Code subsection 8A.415(2) has a right to a hearing that is closed to the public unless the employee requests a hearing open to the public.

b. The board will file a transmittal form with a copy of the appeal attached. After the matter is transmitted, future filings must be made in the administrative hearings division's Administrative Electronic Document Management System (AEDMS).

c. After the case is transmitted to the division of administrative hearings, it will be assigned a case number. The administrative hearings division will assign the proceeding to an administrative law judge to serve as a presiding officer. The administrative law judge will issue a notice for a prehearing conference or a notice of hearing.

d. The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

e. The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 486—2506.27 and 28(17A). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.

**486—16.7(8A,20) Costs of certified shorthand reporters and transcripts.**

**16.7(1) *Initial payment.*** The appeal board will arrange for a certified shorthand reporter to report the contested case hearing and request that an original transcript of the hearing be prepared by the reporter for the appeal board's use. The appeal board initially shall pay the reporter's reasonable compensation for reporting the hearing and producing the transcript.

**16.7(2) *Taxation as costs.*** The nonprevailing party or parties will be taxed the full cost of reporting and transcription, unless the final order apportions these costs in another manner.

**16.7(3)** *Payment of taxed costs.* Following final action of the appeal board in a case, the appeal board will prepare and serve a bill of costs upon the party or parties against whom the costs have been taxed. Those parties shall, within 30 days of such service, remit to the appeal board the amount specified in the bill of costs. Sums remitted to the agency shall be considered repayment receipts as defined in Iowa Code section 8.2.

These rules are intended to implement Iowa Code chapters 8A and 20.