

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

Department Name:	Employment Appeal Board	Date:	May 5, 2026	Total Rule Count:	9
IAC #:	621	Chapter/ SubChapter/ Rule(s):	17	Iowa Code Section Authorizing Rule:	70A.28 20.6(5) 20.8(5)
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The Iowa whistle blower statute was adopted to encourage public employees to report violations of law and mismanagement without fear of retribution. The statute provides that a public employee meeting certain criterion can file an appeal with the Employment Appeal Board if adverse employment action is taken. Chapter 17 consists of procedural rules intended to implement the statute.

Is the benefit being achieved? Please provide evidence.

Yes, the rules ensure all parties are afforded due process as it relates to administrative whistle blower complaints.

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 a whistle blower complaint may need to participate in a hearing conducted by an administrative law judge. The nonprevailing party is assessed the costs of a court reporter and the administrative law judge may assess damages as a remedy. There is no filing fee for a whistle blower complaint.

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.

The costs justify the benefits. Whistle blower complaints are decided in an orderly fashion and the parties are afforded due process.

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

- 17.1. Notice of appeal rights. Duplicative of statutory language
- 17.2. Filing of appeal. Duplicative of statutory language
- 17.3. Service of appeal. Obsolete language
- 17.5. Content of director's response to the appeal. Duplicative of the Uniform Rules.
- 17.6. Right to a hearing. Outdated language

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

- 17.7. Final decisions.
- 17.8. Review by the board.
- 17.9. 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

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	278
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	11

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

CHAPTER 17

STATE EMPLOYEE WHISTLEBLOWER ACTIONS

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

~~621~~

~~486~~—17.1(20,70A) **Notice of appeal rights.** A state executive branch employee, except a merit system employee or an employee covered by a collective bargaining agreement, may file an appeal with the ~~public employment relations~~appeal board ~~for adverse employment action taken as a result of the employee's disclosure of information protected by~~stated in Iowa Code ~~sections~~subsection 70A.28-(6).

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]~~

~~621~~~~486~~—17.2(20,70A) **Filing of appeal.**

17.2(1) *Timeline.* The employee must file the appeal within ~~30 calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of ombudsman pursuant to~~timeline provided in Iowa Code ~~section 2C.11A-~~subsection 70A.28(6).

17.2(2) *Method of filing.* Appeals ~~shall~~and all subsequent pleadings must be electronically filed pursuant to ~~621~~~~486~~—Chapter ~~16~~~~18~~.

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]~~

~~621~~~~486~~—17.3(20,70A) **Service of appeal.** ~~The agency shall serve a copy of~~Upon the filing of a proper petition, the appeal ~~board will serve copies of the petition~~upon the Iowa department of administrative services director (~~hereinafter~~hereafter referred to as the director) by ~~ordinary~~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 in the manner specified in rules 621—2.15(20) and 621—16.10(20)-, return receipt requested; or by first-class mail; or by publication as provided in the Iowa Rules of Civil Procedure.

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]~~

~~621~~~~486~~—17.4(20,70A) **Content of appeal.**

17.4(1)— The appeal ~~shall~~must 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 employee's appeal;
- d. A statement of the requested remedy;
- e. The name, address, telephone number, and email address of the appealing employee's representative, if any;
- f. The signature of the appealing employee or employee's representative;
- g. A statement of whether the employee requests a hearing open to the public; and
- h. A statement of whether the employee filed a complaint with the office of ombudsman and the date of the filing, if applicable.

~~17.4(2) —~~ Completion of the State Employee Whistleblower Action Appeal Form shall constitute available on the appeal board's website constitutes compliance with all of the requirements in subrule 17.4(1).

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]~~ ¶

~~621486~~ — **17.5(20,70A) Content of director's response to the appeal.**

~~17.5(1) —~~ The director shall have 15 days from the date of service of the employee's appeal in which to file a motion or an answer with the agency. ¶

~~17.5(2) —~~ The motion or answer shall 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; ¶

~~c. —~~ The response or answer to the employee's appeal, which shall specifically admit or deny each allegation of the appeal and may set forth additional facts deemed to constitute a defense. If the appellee is without knowledge sufficient to make an admission or denial concerning an allegation, the answer shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the substance of the allegation. Additional facts set forth in the answer shall be deemed denied by the appellant; ¶

~~—d. The signature of the employing agency's/department's representative.¶~~

~~—17.5 directed in subrule 486—2506.11(3) The director's motion or answer shall be electronically filed pursuant to 621—Chapter 16.) (17A).~~

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]¶~~

~~**621—17.6(20,70A) Right to a hearing.** An employee appealing adverse employment action pursuant to Iowa Code section 70A.28 has a right to a hearing which 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 4459C, IAB 5/22/19, effective 6/26/19]¶~~

~~**621486—17.7(20,70A) Final decisions. Hearing.**~~

~~—17.7(1) When a majority of the board presides at the reception of the evidence in a state employee whistleblower action proceeding, the decision of the board is the final decision of the agency.¶~~

~~—17.7(2) When a majority of the board does not preside at the reception of the evidence in a state employee whistleblower action proceeding, the presiding officer shall make a proposed decision that becomes the final decision of the agency without further proceedings unless:¶~~

~~—a. There is an appeal to the board 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 4459C, IAB 5/22/19, effective 6/26/19]¶~~

~~**621—17.8(20,70A) Review by board.** Proceedings on the board's review of the proposed decision shall be a. After the director files an answer to the appeal, the appeal board may transmit the matter to the division of administrative hearings created by Iowa Code section 10A.801. The board will file a transmittal form with a copy of the appeal and answer attached. After the matter is transmitted, future filings must be made in the administrative hearings division's Administrative Electronic Document Management System (AEDMS).¶~~

~~b. 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.¶

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

d. The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with 621—Chapter 9.¶

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]¶~~

~~**621—17.9(20,70A) 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. 486—2506.27 and 28 (17A).~~

~~[ARC 4459C, IAB 5/22/19, effective 6/26/19]¶~~

~~These rules are intended to implement Iowa Code chapters 20 and 70A.~~

~~[Filed ARC 4459C (Notice ARC 4364C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]~~

CHAPTER 17

STATE EMPLOYEE WHISTLEBLOWER ACTIONS

486—17.1(20,70A) Notice of appeal rights. A state executive branch employee, except a merit system employee or an employee covered by a collective bargaining agreement, may file an appeal with the employment appeal board as stated in Iowa Code subsection 70A.28(6).

486—17.2(20,70A) Filing of appeal.

17.2(1) *Timeline.* The employee must file the appeal within the timeline provided in Iowa Code subsection 70A.28(6).

17.2(2) *Method of filing.* Appeals and all subsequent pleadings must be electronically filed pursuant to 486—Chapter 18.

486—17.3(20,70A) Service of appeal. Upon the filing of a proper petition, the appeal board will serve copies of the petition upon the Iowa department of administrative services director (hereafter referred to as 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—17.4(20,70A) Content of appeal.

17.4(1) The appeal must 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 employee's appeal;
- d.* A statement of the requested remedy;
- e.* The name, address, telephone number, and email address of the appealing employee's representative, if any;
- f.* The signature of the appealing employee or employee's representative;

g. A statement of whether the employee requests a hearing open to the public; and

h. A statement of whether the employee filed a complaint with the office of ombudsman and the date of the filing, if applicable.

17.4(2) Completion of the State Employee Whistleblower Action Appeal Form available on the appeal board's website constitutes compliance with all of the requirements in subrule 17.4(1).

486—17.5(20,70A) Content of director's response to the appeal.

17.5(1) The director shall file an answer as directed in subrule 486—2506.11(3)(17A).

486—17.7(20,70A) Hearing.

a. After the director files an answer to the appeal, the appeal board may transmit the matter to the division of administrative hearings created by Iowa Code section 10A.801. The board will file a transmittal form with a copy of the appeal and answer attached. After the matter is transmitted, future filings must be made in the administrative hearings division's Administrative Electronic Document Management System (AEDMS).

b. 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.

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

d. The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 486—2506.27 and 28 (17A).

These rules are intended to implement Iowa Code chapters 20 and 70A.