

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

Department Name:	Employment Appeal Board	Date:	May 1, 2026	Total Rule Count:	10
IAC #:	621	Chapter/ SubChapter/ Rule(s):	Chapter 4	Iowa Code Section Authorizing Rule:	20.1 20.6(5) 20.13 20.14 20.15
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The purpose of Iowa Code chapter 20 is to promote harmonious and cooperative relationships between government and its employees. Iowa Code section 20.1(2) specifically states that the purpose of the EAB with respect to Chapter 20 is to adjudicate and conciliate employment-related cases involving public employers and employee organizations. This chapter exists to provide procedural rules in regard to actions that may be filed relating to representation of public sector bargaining units.

Is the benefit being achieved? Please provide evidence.

Yes. The rules ensure that all interested parties are afforded due process as it relates to the representation of public sector bargaining units.

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 who have a dispute regarding the representation of a bargaining unit of public employees may need to participate in a hearing conducted by an administrative law judge. The nonprevailing party is assessed the costs of a court reporter. 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.

The costs justify the benefits. Public collective bargaining representation disputes are decided in an orderly fashion and public services are not disrupted.

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. Also, these rules have an established process that allows for quick resolution in those cases where all affected organizations agree the unit needs to amended, thus reducing procedural burdens on all involved, while still maintaining notice requirements for all others who may be affected.

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

- 4.1. General procedures. Redundant language that can be found elsewhere was removed.
- 4.2. Unit determination. Obsolete language was removed; language regarding new process was added.
- 4.3. Bargaining representative determination (election petitions). Language was reorganized for clarity.
- 4.8. Amendment of certification. Redundant language that can be found elsewhere was removed.

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

- 4.4. Concurrent (combined) petitions.

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:	1
Proposed word count reduction after repeal and/or re-promulgation	307
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	36

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

CHAPTER 410
BARGAINING UNIT AND BARGAINING
REPRESENTATIVE DETERMINATION

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

~~621—4~~

~~486—10.1(20) General procedures.~~

~~410.1(1)—) General.~~

~~a. The agency shall determine an appropriate—A public employer, public employee, or employee organization may file a petition for bargaining unit when requested by petition. Once determination with the appeal board. After a unit is initially determined, parties may request by file a petition— to request certification of a bargaining representative for the unit, decertification of the bargaining representative of the unit, reconsideration of the unit, amendment of the unit, or clarification of the unit. Any petition filed under this chapter may only be withdrawn with approval from the appeal board.~~

~~b. 10.1(2) Electronic filing mandatory. The petition and all subsequent documents in the case types referenced in this chapter must be filed in the appeal board’s electronic document management system, pursuant to Chapter 18. The agency may certify an employee organization to be the exclusive bargaining representative for a unit when requested by a petition or an matter will be assigned a case number and all subsequent documents in that proceeding before the appeal board must be filed under the same case number.~~

10.1(3) Intervention. Any interested person may request intervention in any proceedings before the appeal board. An application for intervention. Once certified, the shall be in writing, except that applications made during a hearing may be made orally to the hearing officer, and shall contain a statement of the reasons for such intervention. When necessary to achieve a proper decision, the board or administrative law judge may, on its own motion or the motion of any party, order the bringing in of

additional parties. When so ordered, the appeal board will serve all relevant pleadings on additional parties and allow the parties a reasonable time to respond. ¶

486—10.2(20) Petition for unit determination. ¶

~~10.2(1) *Petition.* A public employer, public employee, or employee organization will be subject to retention and recertification elections and may be subject to decertification if a petition is filed by an employee of the bargaining unit. The employee organization's certification may be amended when requested by may file a petition by for bargaining unit determination with the appeal board.~~ ¶

~~10.2(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify the employee organization or by the public employer, or when the agency files notice.~~ ¶

~~e. The employee organization shall have its certification revoked for failure to pay its election fees, or its certification may be revoked for failure to comply with the requirements of Iowa Code section 20.25.~~ ¶

~~4.1(2) *Representation elections.*~~ ¶

~~a. *Initial certification, retention and recertification, and decertification elections.* The initial certification, retention and recertification, and decertification of an employee organization require elections in accordance with 621—Chapters 5 and 15. The three types of elections affecting the bargaining representative determination or an employee organization's certification status are as follows:~~ ¶

~~(1) A certification election, which is initiated by the filing of a petition by the employee organization or the public employer, for the initial certification of an employee organization to be the exclusive bargaining representative for a bargaining unit of public employees;~~ ¶

~~(2) A retention and recertification election, which is initiated by the filing of notice by the agency, for the retention and recertification of a certified employee organization; and~~ ¶

~~(3) A decertification election, which is initiated by a public employee of a bargaining unit, for the decertification of an existing certified employee organization that represents the unit.~~ ¶

~~—b. Other elections—professional/nonprofessional unit and amendment of unit. When a bargaining unit is determined or amended, an election may be required as provided in **621—Chapter 5**. The two types of other elections are as follows:¶~~

~~—(1) A professional and nonprofessional election occurs when the agency files an order directing the election after determining that professional and nonprofessional employees are appropriately included in the same bargaining unit.¶~~

~~—(2) An amendment of unit election occurs when the agency files an order directing the election after determining that a job classification or classifications are appropriately amended into a bargaining unit, but a question of representation exists. A question of representation exists when the job classification(s) sought to be amended into a bargaining unit was in existence at the time the employee organization was certified to represent the bargaining unit and the job classification(s) separately constitutes an appropriate bargaining unit.¶~~

~~—**4.1(3)**—*Separate or combined petitions.* Requests for the initial bargaining unit determination and the bargaining representative certification shall be by petitions which may be filed separately or on a combined petition form pursuant to **rule 621—4.4(20)**. When a request has been made to a public employer to bargain collectively with a designated group of public employees and the agency has not previously determined the bargaining unit, the petitions shall be filed jointly or on a combined form prescribed by the agency.¶~~

~~—**4.1(4)**—*Intervention and additional parties.* See rule **621—2.4(20)**.¶~~

~~—**4.1(5)**—*Withdrawal of petitions.* Petitions may be withdrawn only with the consent of the board. ¶~~

~~—**4.1(6)**—*Method of filing of all petitions.* All petitions and subsequent documents submitted pursuant to this chapter shall be electronically filed pursuant to **621—Chapter 16**, unless otherwise stated in these rules.¶~~

[**ARC 3278C**, IAB 8/30/17, effective 8/10/17; **ARC 3803C**, IAB 5/9/18, effective 6/13/18; **ARC 4458C**, IAB 5/22/19, effective 6/26/19]¶
621—4.2(20) Unit determination. ¶

~~4.2(1) Content of petition.~~ A petition for bargaining unit determination shall be on an agency-prescribed form and filed with the agency. The petition shall its contact information, identify and describe the proposed unit, and indicate whether the unit's status as proposed unit is a public safety or non-public safety unit.

~~410 .2(2) Notice to parties~~ ~~3) Service of petition.~~ Upon the filing of a proper petition, the agency shall appeal board will serve copies thereof of the petition upon other interested parties 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.¶

10 .2(4) Notice to employees. The agency shall file appeal board will create a notice to employees, giving notice stating that the petition has been filed and setting forth the rights of employees under Iowa Code chapter 20. The appeal board will send the notice and a copy of the petition to the employer, who shall promptly distribute, electronically or by hard copy, the petition and notice to employees to the affected employees. The employer shall also promptly post the petition and notice to employees in the manner and locations customarily used for the posting of information to employees.

~~4.2(3) Notice of hearing.~~ The board or administrative law judge shall file a notice of hearing setting forth the time, date and place of the hearing and any other relevant information. The employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice in the manner and locations customarily used for the posting of information to employees.¶

~~4.2(4) Intervention.~~ See rule 621—2.4(20).¶

~~410 .2(5) Professional/nonprofessional unit elections.~~ Should the agency determine, in any case, If the appeal board determines that professional and nonprofessional employees are appropriately included in the same proposed bargaining unit, the agency shall appeal board will file an order directing that an election be conducted to determine whether the professional and nonprofessional employees wish to be

represented in a single bargaining unit. The election ~~shall~~will be conducted in accordance with rule ~~621—486—11.5.7(20)~~.

~~—410 .2(6)—~~ *Informal settlement of bargaining unit determination. Cases* ¶

~~The parties may file a stipulation agreeing on bargaining unit determination may be informally settled in the following manner:~~ ¶

~~a. The parties may stipulate to the composition of the unit.~~ ¶

~~a. —(1) The petitioning party shall prepare~~parties may use a form available on the appeal board's website. The stipulation setting~~must set~~ forth in detail the composition of the bargaining unit as agreed ~~upon~~to by ~~all~~the parties. ~~The stipulation shall, and must~~ be signed by the authorized representatives of the parties ~~involved and shall be filed with the agency for informal review and tentative approval.~~ In the event the parties agree to a combined unit of professional and nonprofessional employees, the stipulation ~~shall~~must set forth both those job classifications included within the professional category and those job classifications included within the nonprofessional category.

~~(2) If the agency fails to tentatively approve~~The appeal board will review the stipulation, ~~the agency shall notify the parties and, unless the parties amend the stipulation in a manner to gain for~~ tentative approval of the agency, the matter shall proceed to hearing. ¶

~~(3) If the agency~~appeal board tentatively approves the stipulation, ~~the agency shall~~appeal board will file a tentative approval and public notice of the proposed decision. ~~The public employer shall promptly post copies of the~~ The notice of the proposed decision, ~~for a period of not less than one calendar week, in a prominent place in the main office of the public employer accessible to the general public. The employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice in the manner and locations customarily used for the posting of information to employees.~~ ¶

~~b. —b. Notice of the proposed decision shall~~ will identify the parties; specify the terms of the proposed decision; list the names, addresses, telephone numbers, and email addresses of the parties or

their authorized representatives to whom inquiries by the public should be directed; and, further, state the date and method by which written objection to the proposed decision must be filed with the agency appeal board. The appeal board will notify the parties if the appeal board decides not to tentatively approve the stipulation. Unless the parties amend the stipulation in a manner to gain tentative approval of the appeal board, the matter will proceed to a contested case hearing as set out in subrule 10.2(7).

c. — e. After the appeal board files the tentative approval and public notice of proposed decision the public employer shall promptly post copies of the notice of the proposed decision, for a period of not less than one calendar week, in a prominent place in the main office of the public employer accessible to the general public. The employer shall promptly distribute, electronically or by hard copy, the notice of the proposed decision to the affected employees. The employer shall also promptly post the notice of the proposed decision in the manner and locations customarily used for the posting of information to employees. ¶

d. Objections to the notice of proposed decision must be electronically filed with the agency appeal board by the date posted in the notice of proposed decision. Objections shall must set out the specific grounds of objection. The objecting party must identify itself and provide a mailing address, telephone number, and email address, if available. The agency shall promptly advise the parties of the objections and make any investigation deemed appropriate. If the agency deems the objections to be of substance, the parties may, with agency approval, amend their proposed decision to conform therewith, and the objecting party shall be notified by the agency of the amendment. If the objections cannot be informally resolved, they may be dismissed or resolved at hearing.

e. — d. Final The appeal board shall promptly advise the parties of the objections and may make any investigation deemed appropriate. If the objections cannot be informally resolved, they may be dismissed or resolved at hearing. ¶

f. The appeal board may not make the final decision on the informal settlement shall be reserved until expiration of the time for filing of objections objection has expired. If no objections have been filed; or if filed objections have been resolved through amendment of the proposed decision; or if filed objections,

after inquiry by the appeal board, were found to be frivolous, the appeal board shall endorse the proposed decision as final.

~~e.—10.2(7) *Transmission of contested case hearing.* ¶~~

~~a. If interested the parties are unable to do not agree to informally settle the composition of the bargaining unit, 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 case on transmittal form with a copy of the petition 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).¶~~

486—10.3(20) Petition for certification. ¶

~~10.3(1) *Petition.* A public employer or employee organization may file a petition for bargaining representative certification with the appeal board. A combined petition for both bargaining unit determination within 15 days of service of a petition, the board or administrative law judge may order any interested party to file its proposed unit description and bargaining representative certification must be filed whenever the bargaining unit has not been previously determined and a representative has not been certified by the agency.~~

~~[ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 4458C, IAB 5/22/19, effective 6/26/19; ARC 5631C, IAB 5/19/21, effective 6/23/21]¶~~

621—4.3(20) Bargaining representative determination (election petitions). ¶

~~—4.3(1) *Form of petition.* Petitions for bargaining representative determination (election petition) shall be on an agency-prescribed form and filed with the agency. These petitions shall be of three types:¶~~

~~—a. A certification petition, filed by an employee organization requesting that through an election it be certified as the exclusive bargaining representative of an appropriate unit of public employees. The name of the employee organization which appears on the petition, or the petition as amended, shall be the name which appears on the election ballot.¶~~

~~—b. A decertification petition, filed by a bargaining unit employee requesting an election to determine whether a majority of the employees in the bargaining unit wish to continue to be represented by a certified employee organization.¶~~

~~—c. A representation petition, filed by a public employer requesting an election to determine the bargaining representative, if any, of the employees in the bargaining unit.¶~~

~~—4.3(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be signed by the petitioner or designated representative, identify the public employer and its contact information, identify the employee organization and its contact information, and identify and describe the proposed or existing bargaining unit. The petition shall further make the allegations described in Iowa Code section 20.14.¶~~

~~10.3(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3). ¶~~

~~10.3(4) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4). ¶~~

~~10.3(5) *Showing of interest—certification—decertification—intervention.* Whenever, When a petition for certification ~~or decertification~~ is filed, ~~or whenever intervention is requested for the purpose of being placed on an election ballot,~~ the petitioner ~~or intervenor~~ shall submit, by ordinary mail or personal delivery, evidence that the petition ~~or application for intervention~~ is supported by 30 percent of the employees in the bargaining unit. In petitions for certification ~~or applications~~ for intervention, such showing of interest shall be dated and signed not more than one year prior to its submission; shall contain~~

the job classification of the signatory; and shall contain a statement that the signatory is a member of the employee organization or has authorized it to bargain collectively on the signatory's behalf. ~~In petitions for decertification, evidence of interest shall be as provided above, except the evidence of interest shall instead contain a statement that the signatory no longer wishes to be represented by the certified employee organization. When a representation petition is filed by an employer, no showing of interest will be required.~~

410.3(36) *Determination of showing of interest.* ¶

a. The public employer shall, within seven days of ~~receipt of notice of a certification or decertification petition~~ the bargaining unit being established, file ~~with the agency~~ in the appeal board's electronic document management system a list of the names and job classifications of the employees in the unit which is the subject of the petition or, in the case of a combined petition, the employees in the ~~unit requested by the petitioner. The agency shall administratively~~ bargaining unit that has been established. If the employer fails to furnish the list of employees, the appeal board will determine the sufficiency of the showing of interest by whatever means it deems appropriate. ¶

b. The appeal board will determine the sufficiency of the showing of interest upon receipt of the list. This determination, including the identification and number of signers of the showing of interest, shall be confidential and not subject to review, and ~~parties~~ persons other than the party submitting the showing of interest ~~shall~~ are not be entitled to a copy or examination of the showing of interest. ~~If the employer fails to furnish the list of employees, the agency shall determine the sufficiency of the showing of interest by whatever means it deems appropriate.~~

~~4.3(4)~~ *Notice.* Upon the filing of a petition for certification, decertification or representation, the agency shall file a notice to employees, giving notice that an election petition has been filed and setting forth the rights of employees under Iowa Code chapter 20. The employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice in the manner and locations customarily used for the posting of information to employees. ¶

~~—4.3(5) — *Direction of election.* Whenever an election petition is filed which conforms to these rules and Iowa Code chapter 20 and the appropriate bargaining unit has been previously determined, an election shall be directed and conducted under the provisions of 621—Chapter 5.¶~~

~~—4.3(6) — *Intervention.* See rule 621—2.4(20).¶~~

[ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 5631C, IAB 5/19/21, effective 6/23/21]¶
~~**621—4.4(20) Concurrent (combined) petitions.** ¶~~

~~—4.4(1) — *When to file.* A combined petition for both bargaining unit determination and bargaining representative certification shall be filed whenever the bargaining unit has not been previously determined and a representative has not been certified by the agency.¶~~

~~—4.4(2) — *Content of petition.* A combined petition for unit determination and representative certification shall be on an agency-prescribed form.¶~~

~~—4.4(3) — *Notice of petition, hearing, and notice to employees.* Upon the filing of a combined petition, notice shall be as provided in subrules 4.2(2), 4.2(3) and 4.3(4).¶~~

~~—4.4(4) — *Showing of interest.* Showing of interest shall be as provided in subrules 4.3(2) and 4.3(3). Should the board determine an appropriate unit different than that requested, any employee organization affected may request a reasonable period of time to submit additional evidence of interest sufficient to satisfy the requirements of Iowa Code chapter 20.¶~~

~~—4.4(5) — *Scope of hearing.* Hearings on combined petitions shall resolve all issues with regard to both bargaining unit determination and bargaining representative certification.¶~~

~~—4.4(6) — *Intervention.* See rule 621—2.4(20).¶~~

~~—4.4(7) — *Professional and nonprofessional elections.* See subrule 4.2(5) and rule 621—5.7(20).¶~~

[ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 4458C, IAB 5/22/19, effective 6/26/19]¶

~~c. 621—4.5(20) Unit If the appeal board determines a sufficient show of interest has not been established, it will issue an order providing the parties with an additional 30 days to alter the employee list or submit additional show of interest cards. If after the 30 days expire the appeal board determines that a sufficient show of interest has not been made, the petition will be dismissed. ¶~~

d. If the appeal board determines a sufficient show of interest has been established, it will issue an order for an election to be conducted in accordance with the provisions of Chapter 11.¶

10.3(7) Intervention¶

a. No employee organization other than the petitioner can be placed on the ballot unless an employee organization files an application for intervention with the appeal board within seven days after the filing of the appeal board's order directing the election in which intervention is sought. An employee organization seeking intervention must also submit to the appeal board, by ordinary mail or personal delivery, an adequate showing of interest as provided in subrule 10.3(2) within seven days after the appeal board's direction of an election.¶

b. Any time prior to the election period, the intervening employee organization may, upon its filing of a written request, be removed from the ballot with the approval of the appeal board.¶

486—10.4(20) Petitions for decertification.¶

10.4(1) Petition. A bargaining unit employee can file a petition to request an election to determine whether a majority of the employees in the bargaining unit wish to continue to be presented by a certified employee organization. ¶

10.4(2) Contents of petition. The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify employee organization and its contact information, and identify and describe the unit. The petition shall further make the allegations described in Iowa Code section 20.14. ¶

10.4(3) Service of petition. Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3). ¶

10.4(4) Notice to employees. The appeal board will notify employees of the petition in the manner described in subrule 10.2(4). ¶

10.4(5) Showing of interest. Upon the filing of a petition for decertification, the petitioner shall submit evidence of support as described in subrule 10.3(5). ¶

10.4(6) Determination of showing of interest. The appeal board will determine the show of interest as described in subrule 10.3(6). ¶

~~486---10.5 (20) Petition for unit reconsideration.~~ A petition for reconsideration of ~~an agency-a~~ previously established bargaining unit may be filed by an employee organization, public employer, or an employee of the public employer. This petition may be filed only in combination with a certification petition. ~~Rules 621—4.1(20), 621—4.2(20), 621—4.3(20) and 621—4.4(20) shall apply. A petition for reconsideration of an agency-Subrule 10.3 shall apply. A petition for reconsideration of a previously~~ established bargaining unit covering state employees may not be filed for at least one year after the initial unit determination. The agency appeal board may dismiss the petition for unit reconsideration if the petitioner fails to establish that the previously determined bargaining unit is inappropriate.

~~[ARC 3278C, IAB 8/30/17, effective 8/486—10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18]¶~~
~~621—4.6(20) Amendment of unit. ¶~~

~~—4.6(1)—Petition.~~ A petition for amendment of ~~an agency-determined bargaining unit~~ may be filed by ~~the unit.~~ ¶

10.6(1) Petition. A public employer or the certified employee organization ~~The~~ may file a petition to amend a bargaining unit previously approved by the appeal board. ¶

10.6(2) Contents of petition shall contain:¶

~~—a. The names, addresses, telephone numbers and email addresses of.~~ The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and theits contact information, identify employee organization ~~or their respective representatives.~~ ¶

~~—b. An identificationand its contact information, identify and description of describe the current bargaining unit and the proposed amended-unit.~~ ¶

~~—c. The, and identify the~~ names and addresses of any other employee ~~organizationsorganization~~ which claimclaims to represent any employees affected by the proposed amendment ~~or a statement that the petitioner has no knowledge of any other such organization.~~ ¶

~~—d. Job classifications of the employees as to whom the issue is raised, the number of employees, if any, in each classification, and. The petition should identify whether each job classification qualifies as a public safety employee.¶~~

~~—e. A statement identifying the current status of the unit as either is a public safety or a non-public safety unit and the change, if any, to the status of the unit which would result from the requested whether the proposed amendment: would change that status.~~

~~—f. A specific statement of the petitioner's reasons for seeking amendment of the unit and any other relevant facts.¶~~

~~—4.6(2) Procedure decision. Insofar as applicable, rule 621—4.2(20) shall apply.¶~~

~~—4.6(3) Elections; when required. 10.6(3) Service of petition. Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3). ¶~~

~~10.6(4) Notice to employees. The appeal board will notify employees of the petition in the manner described in subrule 10.2(4). ¶~~

~~10.6(5) Informal settlement. Insofar as appropriate, subrule 10.2(6) shall apply.¶~~

~~10.6(6) Contested case hearing. Insofar as appropriate, subrule 10.2(7) shall apply.¶~~

~~10.6(7) Election. When a question of representation exists, the agency appeal board will conduct an amendment of unit election pursuant to rule 621—5486—11.8(2017A). A question of representation exists when the job classification(s) sought to be amended into a bargaining unit was in existence at the time the employee organization was certified to represent the bargaining unit and the job classification(s) separately constitutes an appropriate bargaining unit.~~

~~[ARC 3278C, IAB 8/30/17, effective 8/486—10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 4458C, IAB 5/22/19, effective 6/26/19]¶~~

~~621—4.7(20) Unit clarification. ¶~~

~~10.7(1) Petition. A petition to clarify the inclusion or exclusion of job classifications or employees in an agency-a previously determined bargaining unit may be filed by the public employer, an affected public employee, or the certified employee organization. Such petition may be filed only if the bargaining unit is~~

represented by a certified bargaining representative. ~~Insofar as applicable, the procedures for such filing shall be as provided in **subrule 4.6(1)**.~~

~~[ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18]~~¶

~~**621—410.7(2) Contents of petition.** The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify employee organization and its contact information, and identify and describe the current bargaining unit. The petition should identify whether the unit is a public safety or non-public safety unit and whether the proposed clarification would change that status. ¶~~

~~**10.7(3) Service of petition.** Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3). ¶~~

~~**10.7(4) Notice to employees.** The appeal board will notify employees of the petition in the manner described in subrule 10.2(4). ¶~~

~~**10.7(5) Informal settlement.** Insofar as appropriate, subrule 10.2(6) shall apply. ¶~~

~~**10.7(6) Contested case hearing.** Insofar as applicable, subrule 10.2(7) shall apply. ¶~~

486—10.8(20) Amendment of certification.

~~**410.8(1) Petitions.** A petition for the amendment of a certified employee organization's certification may be filed by the ~~The~~ certified employee organization, ~~the~~ public employer, or the ~~agency~~ appeal board may file a petition to amend the certified employee organization's certification to reflect an act or occurrence affecting the organization or the public employer, ~~such as a name change or merger.~~~~

~~**410.8(2) Employee organization.** The employee organization must file its petition with the following:~~

~~a. An affidavit(s) that establishes:~~

~~(1) The act or occurrence, which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and~~

~~(2) Substantial continuity of representation has been maintained.~~

b. Updated ~~agency~~ reports if there is a change in the employee organization's name or if there is a change to the employee organization's governing body. The reports ~~shall~~must include the following:

(1) An updated ~~PERB~~ annual report that covers the time period from the last annual report to the time of the filing of the petition.

(2) An updated ~~PERB~~-registration report.

(3) An updated constitution and bylaws.

c. Final agency reports for dissolved organizations resulting from a merger. The final agency report ~~shall~~must include a ~~PERB~~an annual report that covers the time period from the last annual report to the time of the merger and ~~shall~~must reflect the closing of the books and accounts of the dissolved employee organization. The certified employee organization may wait and submit its final ~~agency~~ reports following the board's tentative approval of the amendment of certification.

410.8(3) *Public employer.* The public employer must file its petition with an affidavit, affidavits or other documents, such as board minutes, establishing a change in the name of the public employer.

410.8(4) *Agency Appeal board.* The ~~agency appeal board~~ may, at any time, file a petition with a document or documents establishing the basis for the amendment.

~~4.8(5) Public employer posting, decisions and objection period. When a petition for amendment of certification is filed which the agency deems sufficient to fulfill the requirements of this rule, the agency shall file a public notice of its proposed decision to amend the employee organization's certification upon the non-petitioning interested parties. Upon receipt, the public employer shall promptly post the notice of proposed decision, for a period of not less than one calendar week, in a prominent place in the main office of the public employer accessible to the general public. The employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice in the manner and locations customarily used for the posting of information to employees.¶~~

~~a. The notice of the proposed decision shall identify the parties; specify the terms of the proposed decision; list the names, addresses, telephone numbers, and email addresses of the parties or their~~

~~authorized representatives to whom inquiries by the public should be directed; and state the date and method by which written objection to the proposed decision must be filed.~~¶

~~—b. Objections to the proposed decision must be electronically filed with the agency by the date specified in the notice. Objections shall set out the specific grounds of objection. The objecting party must identify itself and provide a mailing address, telephone number and email address. The agency shall promptly advise the parties of the objections and make any investigation deemed appropriate. When an objection is raised, the agency may investigate and dismiss the objection or conduct a hearing pursuant to ~~621—~~~~

~~Chapter 2.~~¶

~~—c. A final agency decision shall be reserved until the expiration of the time for filing objections. If no objections have been filed, the agency may endorse the proposed decision as final.~~¶

~~[ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 4458C, IAB 5/22/19, effective 6/26/19; ARC 5631C, IAB 5/19/21, effective 6/23/21]~~¶

~~621—4 10.8(5) Service of petition. Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).~~¶

~~10.8(6) Notice to employees. The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).~~¶

~~10.8(7) Procedure—decision. Insofar as appropriate, subrules 10.3(6) and (7) shall apply.~~¶

~~10.8(8) Elections; when required. When a question of representation exists, the appeal board will conduct an amendment of unit election pursuant to rule 486—11.8(17A).~~¶

~~486—10.9(20) Merger of units represented by the same certified employee organization. A certified employee organization may petition the agency to merge two of the bargaining units the organization represents into one successive unit. This proceeding does not apply to school districts' and area education agencies' reorganizations and mergers pursuant to Iowa Code chapter 273 or 275.~~

~~410.9(1) Petition. A certified employee organization may file a petition to amend a bargaining unit may be filed by a certified employee organization to reflect a merger of two agency previously-determined bargaining units which have the same public employer and are represented by the same certified employee organization. The petition shall contain:~~

10.9(2) Contents of petition. The petitioner may use a form available on the appeal board's website.

The petition must be in writing, signed by the petitioner or designated representative, and identify: ¶

a. The names, addresses, telephone numbers, and email addresses of the public employer and the employee organization or their respective representatives.

b. A listing of all ~~PERB~~ cases relevant to the first unit and its certification history followed by a current description of the unit.

c. A listing of all ~~PERB~~ cases relevant to the second unit and its certification history followed by a current description of the unit.

d. An identification and description of the proposed amended unit.

e. The names and addresses of any other employee organizations which claim to represent any employees affected by the proposed amendment or a statement that the petitioner has no knowledge of any other such organization.

f. ~~A statement identifying the~~ The current status of the units as either public safety units or non-public safety units and the change, if any, to the status of the unit, which would result from the requested merger.

g. A specific statement of the petitioner's reasons for seeking amendment of the unit and any other relevant factors.

410.9(2) Accompanying documents. The successive employee organization must file its petition with an affidavit(s) that establishes the following for each unit:

a. The act or occurrence (merger), which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and

b. Substantial continuity of representation has been maintained.

410.9(3) Notice. Service of petition. Upon the filing of a proper petition, the ~~agency shall file a notice~~ appeal board will serve copies of the petition as described in subrule 10.2(3). ¶

10.9(4) Notice to employees, ~~giving notice that a petition for the merger of two units has been filed and setting forth the rights of.~~ The appeal board will notify employees under Iowa Code chapter 20. The

~~employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice of the petition in the manner and locations customarily used for the posting of information to employees.¶~~

~~—described in subrule 10.2(4).¶~~

~~10.9(45) Procedure—decision. Insofar as applicable, rule-appropriate, subrules 10621—4.2.3(6) and (7)(20) shall apply.~~

~~[ARC 4458C, IAB 5/22/19, effective 6/26/19; ARC 5631C, IAB 5/19/21, effective 6/23/21]¶~~

~~621—4486—10.10(20) Merger of two units represented by affiliated certified employee organizations. A certified ¶~~

~~10.10(1) Petition. A successive employee organization may file a combined petition the agency to amend a bargaining unit the organization represents to merge another and an employee organization's certification to reflect a merger of two previously determined bargaining unit of employees into units that have the successive unit. The unit of employees added must be same public employer and are represented by an affiliated certified employee organization organizations. This proceeding does not apply to school districts' and area education agencies' reorganizations and mergers pursuant to Iowa Code chapter 273 or 275.~~

~~4.10(1) Petition. A combined .10(2) Contents of petition to amend a bargaining unit and an employee organization's certification. The petitioner may be filed by a successive employee organization to reflect a merger of two agency-determined bargaining units that have use a form available on the same public employer and are represented by affiliated certified employee organizations. appeal board's website.¶~~

The combined petition shall contain:

- a. The names, addresses, telephone numbers, and email addresses of the public employer and the employee organization or their respective representatives.
- b. A listing of all **PERB** cases relevant to the first unit and its certification history followed by a current description of the unit.

c. A listing of all ~~PERB~~ cases relevant to the second unit and its certification history followed by a current description of the unit.

d. An identification and description of the proposed amended unit.

e. The names and addresses of any other employee organizations which claim to represent any employees affected by the proposed amendment or a statement that the petitioner has no knowledge of any other such organization.

f. A statement identifying the current status of the units as either public safety units or non-public safety units and the change, if any, to the status of the unit, which would result from the requested merger.

g. A specific statement of the petitioner's reasons for seeking amendment of the unit and any other relevant factors.

4.10(2.10(3)) *Accompanying documents.* The successive employee organization must file its petition with the following:

a. An affidavit(s) that establishes the following:

(1) The act or occurrence, which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and

(2) Substantial continuity of representation has been maintained.

b. Updated ~~agency~~ reports if there is a change in the employee organization's name or if there is a change to the employee organization's governing body. The reports ~~shall~~must include the following:

(1) An updated ~~PERB~~ annual report that covers the time period from the last annual report to the time of the filing of the petition.

(2) An updated ~~PERB~~ registration report.

(3) An updated constitution and bylaws.

c. Final ~~agency~~ reports for dissolved organizations resulting from a merger. The ~~final~~ agency report shall include a ~~PERB~~an annual report that covers the time period from the last annual report to the time of the merger and shall reflect the closing of the books and accounts of the dissolved employee

organization. The certified employee organization may wait and submit its final ~~agency~~ reports following the board's tentative approval of the amendment of certification.

~~—4.10(3) Notice. The agency shall file a notice to employees, giving notice that a petition to merge two units and amend the certification of the successive employee organization has been filed and setting forth the rights of employees under Iowa Code chapter 20. The employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice in the manner and locations customarily used for the posting of information to employees.¶~~

~~— 10.10(4) Service of petition. Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3). ¶~~

~~10.10(5) Notice to employees. The appeal board will notify employees of the petition in the manner described in subrule 10.2(4). ¶~~

~~10(4)—10(6) Procedure—decision. Insofar as applicable, rules 621—4.2(20) appropriate, subrules 10.3(6) and 621—4.8(20(7) shall apply.~~

~~4.10(5,10(7) Elections. Should the agency appeal board determine, in any case, that it is appropriate to merge one unit into the successive unit, the agency shall appeal board will file an order directing that an election be conducted to determine whether the employees of the unit getting merged into the successive unit wish to be represented by the successive certified employee organization. The election shall will be conducted in accordance with rule 621—5486—11.8(2017A).~~

~~[ARC 4458C, IAB 5/22/19, effective 6/26/19; ARC 5631C, IAB 5/19/21, effective 6/23/21]¶
486—10.11(20) Disclaimer of Interest.¶~~

~~10.11(1) Contents of Request. In order for a certified employee organization to disclaim interest in representing a bargaining unit it must file a written request in EDMS under the bargaining unit case number. The request must include an assertion by the certified employee organization that no collective bargaining agreement covering bargaining unit members is in effect and that the certified employee organization has no outstanding financial obligations related to election costs, the grievance process, including arbitration, or impasse resolution proceedings.¶~~

10.11(2) Posting of Disclaimer Notice. If there is no collective bargaining agreement in effect and the certified employee organization asserts that there are no outstanding financial obligations, the appeal board will prepare a Notice of Disclaimer for posting by the employer or for distribution directly to the affected employees. The appeal board may require the employer or the certified employee organization to provide the appeal board with the mailing addresses of all unit members to enable the appeal board to distribute notices of the petition for disclaimer.¶

10.11(3) Objection to Disclaimer. The petition to disclaim may be denied upon the objection of any interested party. An objection must be filed in EDMS under the bargaining unit case number within 15 calendar days of the issuance of the Notice.¶

10.11(4) Consideration of Objection. After receipt of an objection to a petition to disclaim, the appeal board shall consider the nature of the objection and take appropriate action. This action may include formal or informal mechanisms to resolve the dispute, including but not limited to, granting or denying the petition to disclaim. ¶

10.11(5) Effect of Disclaimer. Upon approval of a request to disclaim interest, the appeal board shall revoke certification or recognition. ¶

These rules are intended to implement Iowa Code chapter 20.¶

{Filed 3/4/75}¶

{Filed 10/29/76, Notice 9/22/76—published 11/17/76, effective 12/22/76}¶

{Filed 10/26/77, Notice 9/21/77—published 11/16/77, effective 12/21/77}¶

{Filed 9/11/79, Notice 7/11/79—published 10/3/79, effective 11/12/79}¶

{Filed 11/7/80, Notice 9/17/80—published 11/26/80, effective 12/31/80}¶

{Filed emergency 7/23/85—published 8/14/85, effective 7/23/85}¶

{Filed 10/9/86, Notice 8/27/86—published 11/5/86, effective 12/10/86}¶

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

{Filed 1/11/95, Notice 12/7/94—published 2/1/95, effective 3/8/95}¶

{Filed Emergency ARC 3278C, IAB 8/30/17, effective 8/10/17}¶

~~[Filed ARC 3803C (Notice ARC 3671C, IAB 3/14/18), IAB 5/9/18, effective 6/13/18]~~

~~[Filed ARC 4458C (Notice ARC 4366C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]~~

~~[Filed ARC 5631C (Notice ARC 5534C, IAB 3/24/21), IAB 5/19/21, effective 6/23/21]~~20.

CHAPTER 10
BARGAINING UNIT AND BARGAINING
REPRESENTATIVE DETERMINATION

486—10.1(20) General.

10.1(1) *General.* A public employer, public employee, or employee organization may file a petition for bargaining unit determination with the appeal board. After a unit is initially determined, parties may file a petition to request certification of a bargaining representative for the unit, decertification of the bargaining representative of the unit, reconsideration of the unit, amendment of the unit, or clarification of the unit. Any petition filed under this chapter may only be withdrawn with approval from the appeal board.

10.1(2) *Electronic filing mandatory.* The petition and all subsequent documents in the case types referenced in this chapter must be filed in the appeal board's electronic document management system, pursuant to Chapter 18. The matter will be assigned a case number and all subsequent documents in that proceeding before the appeal board must be filed under the same case number.

10.1(3) *Intervention.* Any interested person may request intervention in any proceedings before the appeal board. An application for intervention shall be in writing, except that applications made during a hearing may be made orally to the hearing officer, and shall contain a statement of the reasons for such intervention. When necessary to achieve a proper decision, the board or administrative law judge may, on its own motion or the motion of any party, order the bringing in of additional parties. When so ordered, the appeal board will serve all relevant pleadings on additional parties and allow the parties a reasonable time to respond.

486—10.2(20) Petition for unit determination.

10.2(1) *Petition.* A public employer, public employee, or employee organization may file a petition for bargaining unit determination with the appeal board.

10.2(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify the employee organization and its contact information, identify and describe the proposed unit, and identify whether the proposed unit is a public safety or non-public safety unit.

10.2(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition upon other interested parties 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.

10.2(4) *Notice to employees.* The appeal board will create a notice to employees stating that the petition has been filed and setting forth the rights of employees under Iowa Code chapter 20. The appeal board will send the notice and a copy of the petition to the employer, who shall promptly distribute, electronically or by hard copy, the petition and notice to employees to the affected employees. The employer shall also promptly post the petition and notice to employees in the manner and locations customarily used for the posting of information to employees.

10.2(5) *Professional/nonprofessional unit elections.* If the appeal board determines that professional and nonprofessional employees are included in the same proposed bargaining unit, the appeal board will file an order directing that an election be conducted to determine whether the professional and nonprofessional employees wish to be represented in a single bargaining unit. The election will be conducted in accordance with rule 486—11.5(20).

10.2(6) *Informal settlement of bargaining unit determination.*

a. The parties may file a stipulation agreeing on the composition of the unit. The parties may use a form available on the appeal board's website. The stipulation must set forth in detail the composition of the bargaining unit as agreed to by the parties, and must be signed by the authorized representatives of

the parties. In the event the parties agree to a combined unit of professional and nonprofessional employees, the stipulation must set forth both those job classifications included within the professional category and those job classifications included within the nonprofessional category.

b. The appeal board will review the stipulation for tentative approval. If the appeal board tentatively approves the stipulation, the appeal board will file a tentative approval and public notice of the proposed decision. The notice of the proposed decision will identify the parties; specify the terms of the proposed decision; list the names, addresses, telephone numbers, and email addresses of the parties or their authorized representatives to whom inquiries by the public should be directed; and, further, state the date and method by which written objection to the proposed decision must be filed with the appeal board. The appeal board will notify the parties if the appeal board decides not to tentatively approve the stipulation. Unless the parties amend the stipulation in a manner to gain tentative approval of the appeal board, the matter will proceed to a contested case hearing as set out in subrule 10.2(7).

c. After the appeal board files the tentative approval and public notice of proposed decision the public employer shall promptly post copies of the notice of the proposed decision, for a period of not less than one calendar week, in a prominent place in the main office of the public employer accessible to the general public. The employer shall promptly distribute, electronically or by hard copy, the notice of the proposed decision to the affected employees. The employer shall also promptly post the notice of the proposed decision in the manner and locations customarily used for the posting of information to employees.

d. Objections to the notice of proposed decision must be electronically filed with the appeal board by the date posted in the notice. Objections must set out the specific grounds of objection. The objecting party must identify itself and provide a mailing address, telephone number, and email address, if available.

e. The appeal board shall promptly advise the parties of the objections and may make any investigation deemed appropriate. If the objections cannot be informally resolved, they may be dismissed or resolved at hearing.

f. The appeal board may not make the final decision on informal settlement until the time for objection has expired. If no objections have been filed; or if filed objections have been resolved through amendment of the proposed decision; or if filed objections, after inquiry by the appeal board, were found to be frivolous, the appeal board shall endorse the proposed decision as final.

10.2(7) *Transmission of contested case hearing.*

a. If the parties do not agree to the composition of the bargaining unit, 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 petition 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).

486—10.3(20) Petition for certification.

10.3(1) *Petition.* A public employer or employee organization may file a petition for bargaining representative certification with the appeal board. A combined petition for both bargaining unit determination and bargaining representative certification must be filed whenever the bargaining unit has not been previously determined and a representative has not been certified by the agency.

10.3(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be signed by the petitioner or designated representative, identify the public employer and its contact information, identify the employee organization and its contact information, and identify

and describe the proposed or existing bargaining unit. The petition shall further make the allegations described in Iowa Code section 20.14.

10.3(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.3(4) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.3(5) *Showing of interest.* When a petition for certification is filed, the petitioner shall submit, by ordinary mail or personal delivery, evidence that the petition is supported by 30 percent of the employees in the bargaining unit. In petitions for certification for intervention, such showing of interest shall be dated and signed not more than one year prior to its submission; shall contain the job classification of the signatory; and shall contain a statement that the signatory is a member of the employee organization or has authorized it to bargain collectively on the signatory's behalf.

10.3(6) *Determination of showing of interest.*

a. The public employer shall, within seven days of the bargaining unit being established, file in the appeal board's electronic document management system a list of the names and job classifications of the employees in the unit which is the subject of the petition or, in the case of a combined petition, the employees in the bargaining unit that has been established. If the employer fails to furnish the list of employees, the appeal board will determine the sufficiency of the showing of interest by whatever means it deems appropriate.

b. The appeal board will determine the sufficiency of the showing of interest upon receipt of the list. This determination, including the identification and number of signers of the showing of interest, shall be confidential and not subject to review, and persons other than the party submitting the showing of interest are not entitled to a copy or examination of the showing of interest.

c. If the appeal board determines a sufficient show of interest has not been established, it will issue an order providing the parties with an additional 30 days to alter the employee list or submit additional

show of interest cards. If after the 30 days expire the appeal board determines that a sufficient show of interest has not been made, the petition will be dismissed.

d. If the appeal board determines a sufficient show of interest has been established, it will issue an order for an election to be conducted in accordance with the provisions of Chapter 11.

10.3(7) *Intervention*

a. No employee organization other than the petitioner can be placed on the ballot unless an employee organization files an application for intervention with the appeal board within seven days after the filing of the appeal board's order directing the election in which intervention is sought. An employee organization seeking intervention must also submit to the appeal board, by ordinary mail or personal delivery, an adequate showing of interest as provided in subrule 10.3(2) within seven days after the appeal board's direction of an election.

b. Any time prior to the election period, the intervening employee organization may, upon its filing of a written request, be removed from the ballot with the approval of the appeal board.

486—10.4(20) Petitions for decertification.

10.4(1) *Petition.* A bargaining unit employee can file a petition to request an election to determine whether a majority of the employees in the bargaining unit wish to continue to be presented by a certified employee organization.

10.4(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify employee organization and its contact information, and identify and describe the unit. The petition shall further make the allegations described in Iowa Code section 20.14.

10.4(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.4(4) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.4(5) *Showing of interest.* Upon the filing of a petition for decertification, the petitioner shall submit evidence of support as described in subrule 10.3(5).

10.4(6) *Determination of showing of interest.* The appeal board will determine the show of interest as described in subrule 10.3(6).

486---10.5 (20) Petition for unit reconsideration. A petition for reconsideration of a previously established bargaining unit may be filed by an employee organization, public employer, or an employee of the public employer. This petition may be filed only in combination with a certification petition. Subrule 10.3 shall apply. A petition for reconsideration of a previously established bargaining unit covering state employees may not be filed for at least one year after the initial unit determination. The appeal board may dismiss the petition for unit reconsideration if the petitioner fails to establish that the previously determined bargaining unit is inappropriate.

486—10.6(20) Petition for amendment of unit.

10.6(1) *Petition.* A public employer or the certified employee organization may file a petition to amend a bargaining unit previously approved by the appeal board.

10.6(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify employee organization and its contact information, identify and describe the current bargaining unit and the proposed unit, and identify the names and addresses of any other employee organization which claims to represent any employees affected by the proposed amendment, if any. The petition should identify whether the unit is a public safety or non-public safety unit and whether the proposed amendment would change that status.

10.6(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.6(4) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.6(5) *Informal settlement.* Insofar as appropriate, subrule 10.2(6) shall apply.

10.6(6) *Contested case hearing.* Insofar as appropriate, subrule 10.2(7) shall apply.

10.6(7) *Election.* When a question of representation exists, the appeal board will conduct an amendment of unit election pursuant to rule 486—11.8(17A). A question of representation exists when the job classification(s) sought to be amended into a bargaining unit was in existence at the time the employee organization was certified to represent the bargaining unit and the job classification(s) separately constitutes an appropriate bargaining unit.

486—10.7(20) Unit clarification.

10.7(1) *Petition.* A petition to clarify the inclusion or exclusion of job classifications or employees in a previously determined bargaining unit may be filed by the public employer, an affected public employee, or the certified employee organization. Such petition may be filed only if the bargaining unit is represented by a certified bargaining representative.

10.7(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, identify the public employer and its contact information, identify employee organization and its contact information, and identify and describe the current bargaining unit. The petition should identify whether the unit is a public safety or non-public safety unit and whether the proposed clarification would change that status.

10.7(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.7(4) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.7(5) *Informal settlement.* Insofar as appropriate, subrule 10.2(6) shall apply.

10.7(6) *Contested case hearing.* Insofar as applicable, subrule 10.2(7) shall apply.

486—10.8(20) Amendment of certification.

10.8(1) *Petitions.* The certified employee organization, public employer, or the appeal board may file a petition to amend the certified employee organization's certification to reflect an act or occurrence affecting the organization or the public employer.

10.8(2) *Employee organization.* The employee organization must file its petition with the following:

a. An affidavit(s) that establishes:

(1) The act or occurrence, which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and

(2) Substantial continuity of representation has been maintained.

b. Updated reports if there is a change in the employee organization's name or if there is a change to the employee organization's governing body. The reports must include the following:

(1) An updated annual report that covers the time period from the last annual report to the time of the filing of the petition.

(2) An updated registration report.

(3) An updated constitution and bylaws.

c. Final agency reports for dissolved organizations resulting from a merger. The final agency report must include an annual report that covers the time period from the last annual report to the time of the merger and must reflect the closing of the books and accounts of the dissolved employee organization. The certified employee organization may wait and submit its final reports following the board's tentative approval of the amendment of certification.

10.8(3) *Public employer.* The public employer must file its petition with an affidavit, affidavits or other documents, such as board minutes, establishing a change in the name of the public employer.

10.8(4) *Appeal board.* The appeal board may, at any time, file a petition with a document or documents establishing the basis for the amendment.

10.8(5) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.8(6) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.8(7) *Procedure—decision.* Insofar as appropriate, subrules 10.3(6) and (7) shall apply.

10.8(8) *Elections; when required.* When a question of representation exists, the appeal board will conduct an amendment of unit election pursuant to rule 486—11.8(17A).

486—10.9(20) Merger of units represented by the same certified employee organization. A certified employee organization may petition the agency to merge two of the bargaining units the organization represents into one successive unit. This proceeding does not apply to school districts' and area education agencies' reorganizations and mergers pursuant to Iowa Code chapter 273 or 275.

10.9(1) *Petition.* A certified employee organization may file a petition to amend a bargaining unit to reflect a merger of two previously-determined bargaining units which have the same public employer and are represented by the same certified employee organization.

10.9(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The petition must be in writing, signed by the petitioner or designated representative, and identify:

a. The names, addresses, telephone numbers, and email addresses of the public employer and the employee organization or their respective representatives.

b. A listing of all cases relevant to the first unit and its certification history followed by a current description of the unit.

c. A listing of all cases relevant to the second unit and its certification history followed by a current description of the unit.

d. An identification and description of the proposed amended unit.

e. The names and addresses of any other employee organizations which claim to represent any employees affected by the proposed amendment or a statement that the petitioner has no knowledge of any other such organization.

f. The current status of the units as either public safety units or non-public safety units and the change, if any, to the status of the unit, which would result from the requested merger.

g. A specific statement of the petitioner's reasons for seeking amendment of the unit and any other relevant factors.

10.9(2) *Accompanying documents.* The successive employee organization must file its petition with an affidavit(s) that establishes the following for each unit:

a. The act or occurrence (merger), which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and

b. Substantial continuity of representation has been maintained.

10.9(3) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.9(4) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.9(5) *Procedure—decision.* Insofar as appropriate, subrules 10.3(6) and (7) shall apply.

486—10.10(20) Merger of two units represented by affiliated certified employee organizations.

10.10(1) *Petition.* A successive employee organization may file a combined petition to amend a bargaining unit and an employee organization's certification to reflect a merger of two previously determined bargaining units that have the same public employer and are represented by affiliated certified employee organizations. This proceeding does not apply to school districts' and area education agencies' reorganizations and mergers pursuant to Iowa Code chapter 273 or 275.

10.10(2) *Contents of petition.* The petitioner may use a form available on the appeal board's website. The combined petition shall contain:

a. The names, addresses, telephone numbers, and email addresses of the public employer and the employee organization or their respective representatives.

b. A listing of all cases relevant to the first unit and its certification history followed by a current description of the unit.

c. A listing of all cases relevant to the second unit and its certification history followed by a current description of the unit.

d. An identification and description of the proposed amended unit.

e. The names and addresses of any other employee organizations which claim to represent any employees affected by the proposed amendment or a statement that the petitioner has no knowledge of any other such organization.

f. A statement identifying the current status of the units as either public safety units or non-public safety units and the change, if any, to the status of the unit, which would result from the requested merger.

g. A specific statement of the petitioner's reasons for seeking amendment of the unit and any other relevant factors.

10.10(3) *Accompanying documents.* The successive employee organization must file its petition with the following:

a. An affidavit(s) that establishes the following:

(1) The act or occurrence, which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and

(2) Substantial continuity of representation has been maintained.

b. Updated reports if there is a change in the employee organization's name or if there is a change to the employee organization's governing body. The reports must include the following:

(1) An updated annual report that covers the time period from the last annual report to the time of the filing of the petition.

(2) An updated registration report.

(3) An updated constitution and bylaws.

c. Final reports for dissolved organizations resulting from a merger. The agency report shall include an annual report that covers the time period from the last annual report to the time of the merger and shall reflect the closing of the books and accounts of the dissolved employee organization. The certified employee organization may wait and submit its final reports following the board's tentative approval of the amendment of certification.

10.10(4) *Service of petition.* Upon the filing of a proper petition, the appeal board will serve copies of the petition as described in subrule 10.2(3).

10.10(5) *Notice to employees.* The appeal board will notify employees of the petition in the manner described in subrule 10.2(4).

10.10(6) *Procedure—decision.* Insofar as appropriate, subrules 10.3(6) and (7) shall apply.

10.10(7) *Elections.* Should the appeal board determine that it is appropriate to merge one unit into the successive unit, the appeal board will file an order directing that an election be conducted to determine whether the employees of the unit getting merged into the successive unit wish to be represented by the successive certified employee organization. The election will be conducted in accordance with rule 486—11.8(17A).

486—10.11(20) Disclaimer of Interest.

10.11(1) *Contents of Request.* In order for a certified employee organization to disclaim interest in representing a bargaining unit it must file a written request in EDMS under the bargaining unit case number. The request must include an assertion by the certified employee organization that no collective bargaining agreement covering bargaining unit members is in effect and that the certified employee organization has no outstanding financial obligations related to election costs, the grievance process, including arbitration, or impasse resolution proceedings.

10.11(2) *Posting of Disclaimer Notice.* If there is no collective bargaining agreement in effect and the certified employee organization asserts that there are no outstanding financial obligations, the appeal board will prepare a Notice of Disclaimer for posting by the employer or for distribution directly to the affected employees. The appeal board may require the employer or the certified employee organization to provide the appeal board with the mailing addresses of all unit members to enable the appeal board to distribute notices of the petition for disclaimer.

10.11(3) *Objection to Disclaimer.* The petition to disclaim may be denied upon the objection of any interested party. An objection must be filed in EDMS under the bargaining unit case number within 15 calendar days of the issuance of the Notice.

10.11(4) *Consideration of Objection.* After receipt of an objection to a petition to disclaim, the appeal board shall consider the nature of the objection and take appropriate action. This action may include formal or informal mechanisms to resolve the dispute, including but not limited to, granting or denying the petition to disclaim.

10.11(5) *Effect of Disclaimer.* Upon approval of a request to disclaim interest, the appeal board shall revoke certification or recognition.

These rules are intended to implement Iowa Code chapter 20.