

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

<b>Department Name:</b>	Employment Appeal Board	<b>Date:</b>	May 8, 2026	<b>Total Rule Count:</b>	6
<b>IAC #:</b>	621	<b>Chapter/ SubChapter/ Rule(s):</b>	6	<b>Iowa Code Section Authorizing Rule:</b>	20.6(5) 20.9 20.17
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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. This chapter provides procedures for the quick resolution of negotiability disputes in public sector collective bargaining.

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

Yes. The rules ensure that all interested parties are afforded due process as it relates to negotiability disputes.

**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.

**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. Negotiability 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.

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**

6.1. Scope of negotiations. Moved all definitions up into this rule and eliminated passive language.  
6.3 Negotiability disputes. Moved all definitions up into first rule and eliminated passive language.  
6.4 Public safety unit determination. Moved all definitions up into the first rule and eliminated obsolete language.  
6.6 Filing of agreement. Removed obsolete language.

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

**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:	0
Proposed word count reduction after repeal and/or re-promulgation	390
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 ~~613~~

### NEGOTIATIONS AND NEGOTIABILITY DISPUTES

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

#### ~~621—6.1(20) 486—13.1(20) Background.~~

~~13.1(1) Definitions.~~ For purposes of this chapter, the following definitions apply:

~~“Mandatory subject of collective bargaining” means the mandatory subjects of collective bargaining described in Iowa Code subsection 20.9(1).~~

~~“Permissive subject of collective bargaining” means all other subjects of bargaining except those prohibited by Iowa Code subsection 20.9(3).~~

~~“Negotiability Dispute” means a dispute arising in good faith during the course of collective bargaining as to whether a proposal made during bargaining is a mandatory, permissive, or prohibited subject of collective bargaining. Questions of negotiability which do not arise during the course of bargaining are not negotiability disputes.~~

~~“Public Safety Employee” means a public safety employee is defined in Iowa Code section 20.3.~~

~~“Public Safety Unit” means a public safety unit is a bargaining unit in which at least 30 percent of the employees are public safety employees.~~

~~13.1(2) Scope of negotiations.~~ The scope of negotiations ~~shall~~must include the mandatory subjects of collective bargaining ~~as provided in Iowa Code section 20.9.~~ “Permissive” matters are all other subjects upon which bargaining is not prohibited. Either party may introduce permissive ~~matters~~subjects for negotiation, and negotiation on these matters may continue until resolved by mutual agreement of the parties or until negotiations reach the arbitration stage of impasse; however, no party is required to negotiate on permissive subjects of bargaining. Unresolved permissive ~~matters shall~~subjects of collective bargaining may be ~~excluded from~~included in arbitration ~~unless submission of the matter has been mutually agreed only upon by the parties.~~ Such a mutual agreement. The agreement is applicable only to

~~negotiations toward the collective bargaining agreement then sought and is not binding upon~~ the parties ~~for~~in future negotiations.

~~[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 2308C, IAB 12/9/15, effective 1/486—13/16]~~¶

~~621—6.2(20)~~ **Consolidated negotiations.** Nothing in these rules ~~shall prohibit~~prohibits, by agreement of the parties, more than one certified bargaining representative from bargaining jointly with a common public employer, or more than one public employer from bargaining jointly with a common certified bargaining representative, ~~or any other combination thereof.~~

~~621—6486—13.3~~(20) **Negotiability disputes.**

~~—6.3(1) Defined.~~ A “negotiability dispute” is a dispute arising in good faith during the course of collective bargaining as to whether a proposal made during bargaining is a mandatory, permissive, or prohibited subject of collective bargaining under Iowa Code section ~~20.9.~~¶

~~—6.3(2) Petitions for expedited resolution.~~ ¶

~~—a. In the event that a negotiability dispute arises between the~~ 13.3(1) Petitions for expedited resolution. ¶

~~—a. A public employer and their~~ certified employee organization, ~~either party~~ may petition the ~~agency~~appeal board for expedited resolution of ~~thea negotiability~~ dispute. The petition ~~shall be filed and must~~ set forth the following:

(1) The name and address of the petitioner and the name, address, telephone number, and email address of the petitioner’s representative;

(2) The name and address of the respondent and the name, address, telephone number, and email address of the respondent’s representative;

(3) The material facts of the dispute; and

(4) The verbatim text of the proposal at issue.

~~b. The petitioner shall promptly serve the other party with a copy of the petition and file proof thereof with the agency in accordance with 621—subrules 2.15(3) and 16.10(1). The petition must be filed in the~~

applicable bargaining unit case number in the electronic document management system described in 486—Chapter 18.

**613.3(32)** *Preliminary ruling.* The agency appeal board will give priority to a petition ~~for expedited resolution of that involves~~ a negotiability dispute. Parties ~~will~~ may file informal position statements in support of their positions within the time specified by the agency appeal board, and the agency appeal board may set the matter for oral argument. The agency appeal board or appointed administrative law judge may issue a preliminary ruling, without analysis, that the proposal is mandatory, permissive, or prohibited.

**613.3(43)** *Final ruling.* Within 20 days following the issuance of a preliminary ruling, either party may request the agency appeal board to issue a final ruling, which will set forth the agency's appeal board's analysis and conclusions.

**613.3(54)** *Arbitration.* Unless the dispute is resolved prior to the arbitration hearing, the parties shall present evidence on all items to the arbitrator, including the item which is the subject of the negotiability dispute. A negotiability dispute raised at the arbitration hearing ~~shall~~ must be upon written objection to the submission of the proposal to the arbitrator. The objection ~~shall~~ must state that the objecting party will file a petition for resolution of the dispute with the agency appeal board, which petition ~~shall~~ must be filed within five days of the making of the objection. Arbitrators shall rule on all items submitted to them including the item which is the subject of the negotiability dispute, unless explicitly stayed by the agency appeal board. Arbitration awards issued prior to the final determination of the negotiability dispute are contingent upon the agency's appeal board's determination.

~~—6.3(6)—Negotiability outside of bargaining. Questions of negotiability which do not arise during the course of bargaining are not negotiability disputes within the scope of this rule but may be posed to the agency by a petition for declaratory order filed pursuant to 621—Chapter 10.¶~~

~~[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 2308C, IAB 12/9/15, effective 1/486—13/16; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 7011C, IAB 5/3/23, effective 6/7/23]¶~~

**621—6.4(20) Public safety unit determination.**

**613.4(1)** *Applicability.* This rule applies only to bargaining units which include at least one public safety employee, ~~as defined in 621—subrule 1.6(12) or as required by Iowa Code section 20.32 concerning certain transit employees.~~

~~6.4(2)~~ *Defined.* A public safety unit is a bargaining unit in which at least 30 percent of the employees are public safety employees.¶

~~6.4(3)~~ **13.4(2)** *Determination of public safety unit status.* A bargaining unit will constitute a public safety unit if at least 30 percent of the employees in the unit were public safety employees at any one time in the six months preceding the applicable date identified in subrule **613.4(76)**.

**613.4(43)** *Identification of public safety or non-public safety unit.* Parties engaging in negotiations for a collective bargaining agreement shall endeavor to agree upon and stipulate to the public safety or non-public safety status of the unit at issue.

**613.4(54)** *Agreement and stipulation.* If the parties ~~are in agreement~~ agree on the public safety status of the unit, the parties ~~shall~~ may complete a stipulation form prescribed by the ~~agency~~ appeal board. The stipulation ~~shall~~ must be signed by the authorized representatives of the parties, and ~~the certified employee organization shall~~ either party may submit it to the ~~agency~~ appeal board by ~~email, ordinary mail, or personal delivery~~ filing the stipulation under the applicable bargaining unit case number in the electronic document management system described in 486—Chapter 18.

**613.4(65)** *Petition, response and hearing for determination of public safety or non-public safety unit status.*

a. If the parties fail to ~~reach agreement~~ agree, the party asserting public safety unit status ~~shall~~ may file a petition for determination of the unit status on or before the applicable date identified in subrule **613.4(76)**. The petition ~~shall~~ must be ~~on an agency-prescribed form and~~ electronically filed: ~~in accordance with 486—Chapter 18.~~ The ~~petitioning party shall~~ appeal board will promptly serve the other party ~~with a copy of~~ by electronic means when possible, and where service by electronic means is not possible, either by personal service as provided in the petition and file proof thereof with Iowa Rules of Civil Procedure;

~~or by certified mail, return receipt requested; or by first-class mail; or by publication as provided in the agency in accordance with 621—subrules 2.15(3) and 16.10(1)-Iowa Rules of Civil Procedure.~~

~~b. The non-petitioning party shall, within ten days following the filing of the petition with the agency appeal board, file a response asserting its basis for identifying the unit as a non-public safety unit.~~

~~—c. Hearings on the petition shall be conducted pursuant to 621—Chapter 2. The public employer shall present its evidence first.¶~~

~~—6 c. The appeal board will vote on whether to transmit the matter to the division of administrative hearings created by Iowa Code section 10A.801 for a hearing.¶~~

~~13.4(76) Deadlines.~~ The stipulation ~~shall~~must be submitted or a petition filed on or before the dates indicated:

- ~~a. August 1 for contracts that expire January 1 to March 31 of the subsequent year.~~
- ~~b. November 1 for contracts that expire April 1 to June 30 of the subsequent year.~~
- ~~c. February 1 for contracts that expire July 1 to September 30 of the same year.~~
- ~~d. May 1 for contracts that expire October 1 to December 31 of the same year.~~

~~[ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/486—13/18; ARC 4457C, IAB 5/22/19, effective 6/26/19]¶~~

~~621—6.5(20) Voluntary settlement procedures.~~

~~613.5(1) Terms made public.~~ Where the parties have reached a proposed (or “tentative”) collective bargaining agreement, the public employer shall make the terms of the agreement public.

~~613.5(2) Ratification or rejection by employee organization.~~ Within seven days of the date of the tentative agreement, the employee organization shall conduct a ratification election on the tentative agreement. The employee organization shall give reasonable notice of the date, time and place of the election to the public employees; however, such notice shall be at least 24 hours prior to the election. The vote shall be by secret ballot, and the majority of votes cast will determine acceptance or rejection of the tentative agreement. Only members of the employee organization ~~shall~~will be entitled to vote; however, the employee organization may, pursuant to its internal procedures, extend voting rights to nonmember bargaining unit employees. The employee organization shall, within 24 hours of the conclusion of the

election, serve notice on the public employer as to whether ~~or not~~ the proposed agreement has been ratified.

**613.5(3)** *Acceptance or rejection by public employer.* The public employer shall, within ten days of the tentative agreement, likewise ~~meet to~~ accept or reject the agreement, and shall within 24 hours of the acceptance or rejection serve notice on the employee organization of its acceptance or rejection of the proposed agreement; however, the public employer shall not be required to either accept or reject the tentative agreement if it has been rejected by the employee organization.

**613.5(4)** *Time limits.*

a. The above time limits may be modified by a written mutual agreement between the public employer and the employee organization.

b. The above time limits shall not apply to proposed agreements between the state and any bargaining unit of state employees.

~~[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 2308C, IAB 12/9/15, effective 1/486—13/16; ARC 3278C, IAB 8/30/17, effective 8/10/17]~~¶

~~621—~~**6.6(20) Filing of agreement.** ¶

~~—6.6(1) Copy of agreement.~~ A public employer shall file a copy of the collective bargaining agreement entered into between the public employer and a certified employee organization and made final under Iowa Code chapter 20. Filing ~~shall~~must be completed by uploading the collective bargaining agreement into suPERBSuperb. The certified employee organization will be notified of the filing of the collective bargaining agreement through suPERBSuperb. The public employer shall file the copy within ten days of the date on which the agreement is entered into.

~~—6.6(2) Failure to file an agreement.~~ If an employer fails to file a finalized collective bargaining agreement within ten days of the date on which the agreement is entered into, the agency will order an in-person show cause hearing at the agency. The agency shall also provide notice of the show cause hearing to the certified employee organization. The agency may grant appropriate accommodation in the form of more time or take official notice of failure to comply with subrule 6.4(1) and Iowa Code section 20.29(2).¶

~~—6.6(3)—Transit units. When filing a collective bargaining agreement, an employer will designate a unit as public safety or transit if appropriate. The agency and employee organization will receive notification of the designation. Upon agreement from both parties or absent an agreement or ruling from the agency in a contested hearing, the agency will designate the unit appropriately in suPERB.~~

~~[ARC 2308C, IAB 12/9/15, effective 1/13/16; ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18; ARC 7011C, IAB 5/3/23, effective 6/7/23]~~

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 2/3/78, Notice 12/28/77—published 2/22/78, effective 3/29/78]~~

~~[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 10/22/82, Notice 9/15/82—published 11/10/82, effective 12/15/82]~~

~~[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 Without Notice ARC 8953B, IAB 7/28/10, effective 9/1/10]~~

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

~~[Filed ARC 2308C (Notice ARC 2191C, IAB 10/14/15), IAB 12/9/15, effective 1/13/16]~~

~~[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 4457C (Notice ARC 4365C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]~~

~~[Filed ARC 7011C (Notice ARC 6912C, IAB 2/22/23), IAB 5/3/23, effective 6/7/23]~~

## CHAPTER 13

### NEGOTIATIONS AND NEGOTIABILITY DISPUTES

#### **486—13.1(20) Background.**

**13.1(1) Definitions.** For purposes of this chapter, the following definitions apply:

*“Mandatory subject of collective bargaining”* means the mandatory subjects of collective bargaining described in Iowa Code subsection 20.9(1).

*“Permissive subject of collective bargaining”* means all other subjects of bargaining except those prohibited by Iowa Code subsection 20.9(3).

*“Negotiability Dispute”* means a dispute arising in good faith during the course of collective bargaining as to whether a proposal made during bargaining is a mandatory, permissive, or prohibited subject of collective bargaining. Questions of negotiability which do not arise during the course of bargaining are not negotiability disputes.

*“Public Safety Employee”* means a public safety employee is defined in Iowa Code section 20.3.

*“Public Safety Unit”* means a public safety unit is a bargaining unit in which at least 30 percent of the employees are public safety employees.

**13.1(2) Scope of negotiations.** The scope of negotiations must include the mandatory subjects of collective bargaining. Either party may introduce permissive subjects for negotiation, and negotiation on these matters may continue until resolved by mutual agreement of the parties or until negotiations reach the arbitration stage of impasse; however, no party is required to negotiate on permissive subjects of bargaining. Unresolved permissive subjects of collective bargaining may be included in arbitration only upon mutual agreement. The agreement is not binding on the parties in future negotiations.

**486—13.2(20) Consolidated negotiations.** Nothing in these rules prohibits, by agreement of the parties, more than one certified bargaining representative from bargaining jointly with a common public employer, or more than one public employer from bargaining jointly with a common certified bargaining representative.

**486—13.3(20) Negotiability disputes.**

**13.3(1)** *Petitions for expedited resolution.*

a. A public employer or certified employee organization may petition the appeal board for expedited resolution of a negotiability dispute. The petition must set forth the following:

(1) The name and address of the petitioner and the name, address, telephone number, and email address of the petitioner's representative;

(2) The name and address of the respondent and the name, address, telephone number, and email address of the respondent's representative;

(3) The material facts of the dispute; and

(4) The verbatim text of the proposal at issue.

b. The petition must be filed in the applicable bargaining unit case number in the electronic document management system described in 486—Chapter 18.

**13.3(2)** *Preliminary ruling.* The appeal board will give priority to a petition that involves a negotiability dispute. Parties may file informal position statements in support of their positions within the time specified by the appeal board, and the appeal board may set the matter for oral argument. The appeal board or appointed administrative law judge may issue a preliminary ruling, without analysis, that the proposal is mandatory, permissive, or prohibited.

**13.3(3)** *Final ruling.* Within 20 days following the issuance of a preliminary ruling, either party may request the appeal board to issue a final ruling, which will set forth the appeal board's analysis and conclusions.

**13.3(4)** *Arbitration.* Unless the dispute is resolved prior to the arbitration hearing, the parties shall present evidence on all items to the arbitrator, including the item which is the subject of the negotiability dispute. A negotiability dispute raised at the arbitration hearing must be upon written objection to the submission of the proposal to the arbitrator. The objection must state that the objecting party will file a petition for resolution of the dispute with the appeal board, which petition must be filed within five days of the making of the objection. Arbitrators shall rule on all items submitted to them including the item

which is the subject of the negotiability dispute, unless explicitly stayed by the appeal board. Arbitration awards issued prior to the final determination of the negotiability dispute are contingent upon the appeal board's determination.

**486—13.4(20) Public safety unit determination.**

**13.4(1) *Applicability.*** This rule applies only to bargaining units which include at least one public safety employee.

**13.4(2) *Determination of public safety unit status.*** A bargaining unit will constitute a public safety unit if at least 30 percent of the employees in the unit were public safety employees at any one time in the six months preceding the applicable date identified in subrule 13.4(6).

**13.4(3) *Identification of public safety or non-public safety unit.*** Parties engaging in negotiations for a collective bargaining agreement shall endeavor to agree upon and stipulate to the public safety or non-public safety status of the unit at issue.

**13.4(4) *Agreement and stipulation.*** If the parties agree on the public safety status of the unit, the parties may complete a stipulation form prescribed by the appeal board. The stipulation must be signed by the authorized representatives of the parties, and either party may submit it to the appeal board by filing the stipulation under the applicable bargaining unit case number in the electronic document management system described in 486—Chapter 18.

**13.4(5) *Petition, response and hearing for determination of public safety or non-public safety unit status.***

*a.* If the parties fail to agree, the party asserting public safety unit status may file a petition for determination of the unit status on or before the applicable date identified in subrule 13.4(6). The petition must be electronically filed in accordance with 486—Chapter 18. The appeal board will promptly serve the other party 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.

b. The non-petitioning party shall, within ten days following the filing of the petition with the appeal board, file a response asserting its basis for identifying the unit as a non-public safety unit.

c. The appeal board will vote on whether to transmit the matter to the division of administrative hearings created by Iowa Code section 10A.801 for a hearing.

**13.4(6) *Deadlines.*** The stipulation must be submitted or a petition filed on or before the dates indicated:

a. August 1 for contracts that expire January 1 to March 31 of the subsequent year.

b. November 1 for contracts that expire April 1 to June 30 of the subsequent year.

c. February 1 for contracts that expire July 1 to September 30 of the same year.

d. May 1 for contracts that expire October 1 to December 31 of the same year.

**486—13.5(20) Voluntary settlement procedures.**

**13.5(1) *Terms made public.*** Where the parties have reached a proposed (or “tentative”) collective bargaining agreement, the public employer shall make the terms of the agreement public.

**13.5(2) *Ratification or rejection by employee organization.*** Within seven days of the date of the tentative agreement, the employee organization shall conduct a ratification election on the tentative agreement. The employee organization shall give reasonable notice of the date, time and place of the election to the public employees; however, such notice shall be at least 24 hours prior to the election. The vote shall be by secret ballot, and the majority of votes cast will determine acceptance or rejection of the tentative agreement. Only members of the employee organization will be entitled to vote; however, the employee organization may, pursuant to its internal procedures, extend voting rights to nonmember bargaining unit employees. The employee organization shall, within 24 hours of the conclusion of the election, serve notice on the public employer as to whether the proposed agreement has been ratified.

**13.5(3) *Acceptance or rejection by public employer.*** The public employer shall, within ten days of the tentative agreement, likewise accept or reject the agreement, and shall within 24 hours of the acceptance or rejection serve notice on the employee organization of its acceptance or rejection of the

proposed agreement; however, the public employer shall not be required to either accept or reject the tentative agreement if it has been rejected by the employee organization.

**13.5(4)** *Time limits.*

*a.* The above time limits may be modified by a written mutual agreement between the public employer and the employee organization.

*b.* The above time limits shall not apply to proposed agreements between the state and any bargaining unit of state employees.

**486—13.6(20) Filing of agreement.** A public employer shall file a copy of the collective bargaining agreement entered into between the public employer and a certified employee organization and made final under Iowa Code chapter 20. Filing must be completed by uploading the collective bargaining agreement into Superb. The certified employee organization will be notified of the filing of the collective bargaining agreement through Superb. The public employer shall file the copy within ten days of the date on which the agreement is entered into.

These rules are intended to implement Iowa Code chapter 20.