

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

Department Name:	Employment Appeal Board	Date:	May 8, 2026	Total Rule Count:	12
IAC #:	621	Chapter/ SubChapter/ Rule(s):	Chapter 3	Iowa Code Section Authorizing Rule:	20.1(2) 20.6(5) 20.10 20.11
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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 for filing prohibited practice complaints.

Is the benefit being achieved? Please provide evidence.

Yes. The rules ensure that all interested parties are afforded due process as it relates to prohibited practice complaints.

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

The costs incurred by the general public to comply with these rules are minimal to non-existent. Parties to a prohibited practice complaint may need to participate in a hearing conducted by an administrative law judge. The nonprevailing party is assessed the costs of a court reporter and the administrative law judge may assess damages as a remedy. There is no filing fee for a prohibited practice complaint.

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

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

Do the costs justify the benefits achieved? Please explain.

The costs justify the benefits. 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.

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

3.1—Filing of Complaint. Contains language that is duplicative of statutory language.
3.2—Contents of Complaint. Contains unduly restrictive language.
3.4—Service of Complaint. Requirements are inconsistent with other EAB rules. The EAB aims to adopt the same service rule for every case type. The service rule is modeled after the Uniform rules.
3.5—Answer to Complaint. Contains language that is duplicative of the statute.
3.6—Voluntary dismissal or withdrawal of complaint. Contains unnecessary language.
3.12—Cost of certified shorthand reporters and transcripts. Unnecessary language and language must be modified to be consistent with the rest of the chapter.

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

3.3—Clarification of Complaint. Unnecessary rule that can be handled by contested case rules/general rules of civil procedure.
3.8—Investigation of Complaint. Outdated language. Our agency does not perform investigations as it does not have the staffing or funding levels to do so.

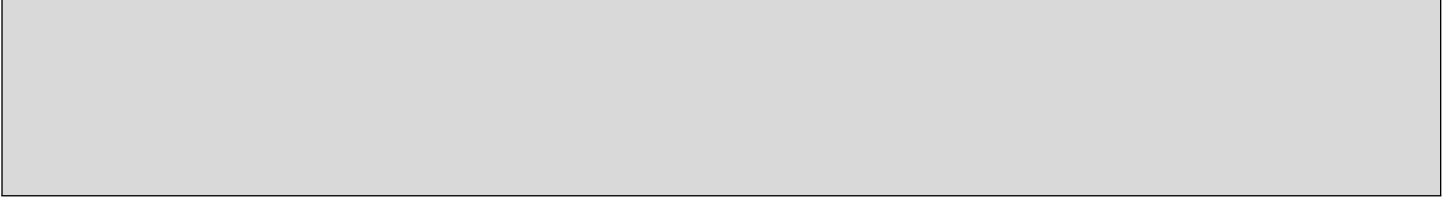
RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

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

METRICS

Total number of rules repealed:	2
Proposed word count reduction after repeal and/or re-promulgation	253
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	16

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



CHAPTER ~~3~~12

PROHIBITED PRACTICE PROCEEDINGS

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

~~**621—3.1(20) Filing of complaint.** A complaint that any public employer, public employee or employee organization has committed a prohibited practice within the meaning of Iowa Code section 20.10(1), that any public employer or the employer's designated representative has committed a prohibited practice within the meaning of Iowa Code section 20.10(2), or that any public employee, employee organization, person, union or organization or its agents have committed a prohibited practice within the meaning of Iowa Code section 20.10(3) may be filed with the agency by any person, employee organization or public employer with standing within 90 days following the alleged commission of the prohibited practice.~~

~~[ARC 1773C, IAB 12/10/14, effective 1/14/15]~~

~~**621—3486—12.1(20) Filing of complaint.** Any person or organization may file a complaint with the appeal board alleging that any public employer or its agents, public employee, or employee organization or its agents has committed a prohibited practice in accordance with the requirements set forth in Iowa Code section 20.11. The complaint and all subsequent documents in the case must be filed in the appeal board's electronic document management system, pursuant to 486—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.~~

~~**486—12.2(20) Contents of complaint.** The complaint, which complainant may utilize use the complaint form available from on the appeal board's Web site, shall be in writing, shall website. The complaint must be signed by the complainant or its designated representative, and shall include the following:~~

~~**312.2(1)—** The name, address, telephone number and e-mail email address of the complainant, and, if filed by the complainant's designated representative, the name, title, telephone number and e-mail email address of that representative.~~

~~**312.2(2)—** The name and address of the respondent(s) alleged to have committed the prohibited practice.~~

~~312.2(3)~~—) A clear and concise statement of the facts constituting the alleged prohibited practice, including the names of the individuals involved in the alleged act(s), the date(s) and place(s) of the alleged act(s), and the specific subsection(s) and paragraph(s) of Iowa Code section 20.10 alleged to have been violated.

~~[ARC 1773C, IAB 486—12/10/14, effective 1/14/15]~~¶

~~621—3.3(20) Clarification of complaint.~~ Although compliance with technical rules of pleading is not required, the agency may, on either its own motion or motion of the respondent, require the complainant to make the complaint more specific.¶

~~[ARC 1773C, IAB 12/10/14, effective 1/14/15]~~¶

~~621—3.4(20) Service of complaint.~~ The complainant shall, within a reasonable time following Upon the filing of a proper complaint, the appeal board will serve all named respondents with a copy/copies of the complaint 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 manner Iowa Rules of an original notice Civil Procedure; or by certified mail, return receipt requested, ~~together with an agency-~~ approved information sheet regarding mandatory electronic filing. Such service shall be upon the person(s) designated for service by ~~621—subrule 2.15(1)~~, and the complainant shall file proof thereof with the agency in accordance with ~~621—subrule 2.15(3) and 621—subrule 16.10(1)~~; or by first-class mail; or by publication as provided in the Iowa Rules of Civil Procedure.

~~[ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 1773C, IAB 12/10/14, effective 1/14/15]~~¶

~~621—3.5(20) 486—12.4(20) Answer to complaint.~~

~~3.512.4(1) Filing and service.~~ Within ten days of service of a complaint, the respondent(s) ~~shall~~must file with the agencyappeal board an answer to the complaint. ~~The answer shall be signed by the respondent(s) or its designated representative. The answer shall be served through the electronic document management system unless the respondent is exempted from electronic filing in the proceeding, in which case service shall be in accordance with 621—subrules 2.15(2) and 2.15(3), and upon the person who signed the complaint being answered.~~ in accordance with Iowa Code sections 20.11 and 20.24.

~~—3.512.4(2) Extension of time to answer. The parties may agree to an extension of the time to answer and shall inform the agency appeal board of their agreement, ~~or. If the board parties cannot agree on an extension, the respondent may, upon application and good cause shown, extend file a motion for an extension of the time to answer. The appeal board will grant a request for an extension for good cause.~~~~

~~3.512.4(3) Contents of answer. The respondent must file an answer shall within 10 days of service of the complaint unless otherwise ordered. The answer must state the name, address, email, and telephone number of the person filing the answer, the person on whose behalf it is filed, and the attorney representing that person, if any. The answer must specifically admit or, deny each, or otherwise respond to material allegations of the complaint. Any allegation of the complaint and may set forth additional facts deemed to constitute a defense. If the respondent is without knowledge sufficient to make an admission or denial concerning an allegation, the answer shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the substance of the allegation. Additional facts set forth in the answer shall be deemed complaint not denied by in the complainant answer is considered admitted.~~

~~—3.5(12.4)—Admission by failure(4) Failure to answer. If theThe appeal board may deem that a respondent failswho has failed to file a timely answer, such failure may be deemed by the board to constitute an admission of file an answer has thereby admitted the material facts alleged in the complaint and a waiver of waived the right to a hearing.~~

[ARC 1773C, IAB 486—12/10/14, effective 1/14/15]¶

~~621—3.6.5(20) Voluntary dismissal or withdrawal of complaint. AtA complainant may voluntarily dismiss a complaint at any time prior to the issuance of a proposed decision (or final decision if heard originally by the board), a complaint or any part thereof may be voluntarily dismissed by the complainant. Following the issuance of being issued. After a proposed decision, but before the proposed decision becomes the agency's final decision, complaints may be withdrawn only is issued, a complainant may only withdraw a complaint with the consent of the board and upon conditions the board deems proper.~~

[ARC 1773C, IAB 486—12/10/14, effective 1/14/15]¶

~~621—3.7(20) Amendment of complaint or answer.~~ Rescinded ~~ARC 1773C~~, IAB 12/10/14, effective 1/14/15.¶

~~621—3.8(20) Investigation of complaint.~~ The board or its designee may conduct a preliminary investigation of the allegations of any complaint. In conducting such investigation, the board may require the complainant and respondent to furnish evidence, including affidavits and other documents if appropriate. If a review of the evidence shows that the complaint has no basis in fact, the complaint may be dismissed with prejudice by the board and the parties notified. Administrative law judges involved in investigations under this rule shall not act as presiding officers in any proceeding related to the prohibited practice complaint.¶

~~[ARC 1773C, IAB 12/10/14, effective 1/14/15]~~¶

~~621—3.9~~ Rescinded, effective December 22, 1976.¶

~~621—3.10(20) Informal disposition.~~ Rescinded ~~ARC 1773C~~, IAB 12/10/14, effective 1/14/15.¶

~~621—3.11(20) Evidence of settlement negotiations.~~ Rescinded ~~ARC 1773C~~, IAB 12/10/14, effective 1/14/15.¶

~~621—3.12.6(20) Costs of certified shorthand reporters and transcripts.~~

~~3.12.6(1) Initial payment.~~ The ~~agency~~appeal board will arrange for a certified shorthand reporter to report the contested case hearing and request that an original transcript of the hearing be prepared by the reporter for the ~~agency's~~board's use. The ~~agency~~appeal board will initially ~~shall~~ pay the reporter's reasonable compensation for reporting the hearing and producing the ~~agency-~~requested transcript.

~~3.12.6(2) Taxation as costs.~~ The ~~cost of reporting and of the agency-requested transcript shall be taxed as costs against the nonprevailing party or parties although will be taxed the presiding officer, or the board on appeal or review full cost of a proposed decision reporting and transcription, unless the final order, may apportion such apportions these~~ costs in another manner if appropriate under the circumstances.

~~3.12.6(3) Payment of taxed costs.~~ Following final agency action in a case, the ~~agency~~appeal board will prepare and serve a bill of costs upon the party or parties against whom the costs have been taxed.

Those parties shall, within 30 days of such service, remit to the ~~agency~~appeal board the amount specified in the bill of costs. Sums remitted to the ~~agency~~shall~~appeal board will~~ be considered repayment receipts as defined in Iowa Code section 8.2.

~~[ARC 1773C, IAB 12/10/14, effective 1/14/15]~~¶

486—12.7(20) Transmission for contested case hearing.¶

a. After the respondent files an answer to the prohibited practice complaint, 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 complaint and answer attached. After the matter is transmitted, future filings must be made in the administrative hearings division’s Administrative Electronic Document Management System (AEDMS).¶

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

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

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

These rules are intended to implement Iowa Code 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 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 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]~~¶

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

~~[Filed ARC 1773C (Notice ARC 1670C, IAB 10/15/14), IAB 12/10/14, effective 1/14/15]~~

CHAPTER 12

PROHIBITED PRACTICE PROCEEDINGS

486—12.1(20) Filing of complaint. Any person or organization may file a complaint with the appeal board alleging that any public employer or its agents, public employee, or employee organization or its agents has committed a prohibited practice in accordance with the requirements set forth in Iowa Code section 20.11. The complaint and all subsequent documents in the case must be filed in the appeal board's electronic document management system, pursuant to 486—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.

486—12.2(20) Contents of complaint. The complainant may use the complaint form available on the appeal board's website. The complaint must be signed by the complainant or designated representative, and include the following:

12.2(1) The name, address, telephone number and email address of the complainant, and, if filed by the complainant's designated representative, the name, title, telephone number and email address of that representative.

12.2(2) The name and address of the respondent(s) alleged to have committed the prohibited practice.

12.2(3) A clear and concise statement of the facts constituting the alleged prohibited practice, including the names of the individuals involved in the alleged act(s), the date(s) and place(s) of the alleged act(s), and the specific subsection(s) and paragraph(s) of Iowa Code section 20.10 alleged to have been violated.

486—12.3(20) Service of complaint. Upon the filing of a proper complaint, the appeal board will serve copies of the complaint 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.

486—12.4(20) Answer to complaint.

12.4(1) *Filing and service.* Within ten days of service of a complaint, the respondent(s) must file with the appeal board an answer to the complaint in accordance with Iowa Code sections 20.11 and 20.24.

12.4(2) *Extension of time to answer.* The parties may agree to an extension of the time to answer and shall inform the appeal board of their agreement. If the parties cannot agree on an extension, the respondent may file a motion for an extension of the time to answer. The appeal board will grant a request for an extension for good cause.

12.4(3) *Contents of answer.* The respondent must file an answer within 10 days of service of the complaint unless otherwise ordered. The answer must state the name, address, email, and telephone number of the person filing the answer, the person on whose behalf it is filed, and the attorney representing that person, if any. The answer must specifically admit, deny, or otherwise respond to material allegations of the complaint. Any allegation in the complaint not denied in the answer is considered admitted.

12.4(4) *Failure to answer.* The appeal board may deem that a respondent who has failed to timely file an answer has thereby admitted the material facts alleged in the complaint and waived the right to a hearing.

486—12.5(20) Voluntary dismissal or withdrawal of complaint. A complainant may voluntarily dismiss a complaint at any time prior to a proposed decision being issued. After a proposed decision is issued, a complainant may only withdraw a complaint with the consent of the board.

486—12.6(20) Costs of certified shorthand reporters and transcripts.

12.6(1) *Initial payment.* The appeal board will arrange for a certified shorthand reporter to report the contested case hearing and request that an original transcript of the hearing be prepared by the reporter for the board's use. The appeal board will initially pay the reporter's reasonable compensation for reporting the hearing and producing the requested transcript.

12.6(2) *Taxation as costs.* The nonprevailing party or parties will be taxed the full cost of reporting and transcription, unless the final order apportions these costs in another manner.

12.6(3) *Payment of taxed costs.* Following final agency action in a case, the appeal board will prepare and serve a bill of costs upon the party or parties against whom the costs have been taxed. Those parties shall, within 30 days of such service, remit to the appeal board the amount specified in the bill of costs. Sums remitted to the appeal board will be considered repayment receipts as defined in Iowa Code section 8.2.

486—12.7(20) Transmission for contested case hearing.

a. After the respondent files an answer to the prohibited practice complaint, 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 complaint and answer attached. After the matter is transmitted, future filings must be made in the administrative hearings division's Administrative Electronic Document Management System (AEDMS).

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

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

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

These rules are intended to implement Iowa Code chapter 20.