

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 486—Chapter 12

“Prohibited Practice Proceedings”

Iowa Code section(s) or chapter(s) authorizing rulemaking: Iowa Code section 20.6(5)
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File
2385; Iowa Code chapter 20

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 24, 2026

Via videoconference:

9:00 a.m.

<https://meet.google.com/hxy-euaj-uzq>

Public Comment

Any interested person may submit written [or oral] comments concerning this Regulatory Analysis, which must be received by the Employment Appeal Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Christine Louis
Employment Appeal Board
6200 Park Avenue, Ste. 100
Des Moines, IA 50321

Email: eab.elections@eab.iowa.gov

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order 10 and statutory changes based on 2024 Iowa Acts, Senate File 2385. Chapter 12 provides procedural rules for filing prohibited practice complaints.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no additional expected cost to the State or individuals.

- **Classes of persons that will benefit from the proposed rulemaking:**

Public sector employers, employees, and employee organizations, as well as the Employment Appeal Board staff.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Chapter 12 provides procedural rules for filing prohibited practice complaints. There is no expected economic impact created by the revisions to the chapter.

- **Qualitative description of impact:**

Chapter 12 provides procedural rules for filing prohibited practice complaints. There is no expected economic impact created by the revisions to the chapter.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

Chapter 12 provides procedural rules for filing prohibited practice complaints. There is no expected economic impact created by the revisions to the chapter.

- **Anticipated effect on state revenues:**

Chapter 12 provides procedural rules for filing prohibited practice complaints. There is no expected economic impact created by the revisions to the chapter.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Not applicable.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The changes are mandated by statute and executive order.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no expected impact on small business.

Text of Proposed Rulemaking

Item 1. Adopt the following new chapter under agency number 486:

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.