

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

Department Name:	Employment Appeal Board	Date:	8/21/2026	Total Rule Count:	1
IAC #:	486	Chapter/ SubChapter/ Rule(s):	Chapter Six	Iowa Code Section Authorizing Rule:	10A.601 80.15
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This permits supervisory troopers and capitol police to appeal disciplinary actions to EAB after the one year probationary period.

DPS is required to pass implementing regulations in consultation with DAS. Overall this process ensures efficient DPS operations by managing discipline and discharge based on merit, ensuring equal employment opportunities, and providing career stability for employees. Chapter six consists of procedural rules for the covered DPS employees to appeal disciplinary actions.

Is the benefit being achieved? Please provide evidence.

Yes. The rules ensure that all interested parties are afforded due process as it relates to appeals of disciplinary actions from protected DPS employees.

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 an appeal may need to participate in a hearing conducted by an administrative law judge. The nonprevailing party is assessed the costs of a court reporter. The State of Iowa may also be ordered to pay back pay to the appealing employee. 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. Staff process the actions filed with the EAB pursuant to this chapter. The cases are to be 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.

Yes. So long as there is this statutory protection for certain DPS employees some appeal process is required.

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.

No restrictions result from this chapter. Adjudicatory procedural rules are required for to assure orderly process. When choices were made here, for example, imposing deadlines and the like then 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]

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486—6.1(10A) Appeals. – Sections of this rule refer to appeal process that are out of date, now to be replaced by electronic systems preferred by all involved. Also appeals currently are assigned to ALJ's, and have been for many years. The rules refer the Board conducting the hearing, which is no longer practical and not required by law. The change is to assign to ALJ by default as in all other EAB processes, outside of emergency proceedings.

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

486—6.1 Appeals

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

486—6.1 Appeals

****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	0
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	10

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

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CHAPTER 6
PEACE OFFICER AND CAPITOL SECURITY APPEALS

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

486—6.1(10A) Appeals.

6.1(1) ~~*Form and time of appeal*~~*(a) Notice of Intent.* ~~The department of public safety may not take personnel action falling under the purview of Iowa Code section 80.15(2), regarding an employee whose employment and terms of employment are protected under Iowa Code section 80.15(2), until the Department has filed with the appeal board, and copied to the employee, a notice of intent to take the personnel action in question. The department of public safety shall file with the employment appeal board notice of intent to dismiss or of intent to take other action, under the purview of Iowa Code section 80.15, regarding a member of the department, including capitol security officers covered under Iowa Code section 80.15. The notice of intent shall become final unless within 30 days a request (hereafter called an appeal) to appear and defend the charges is filed by the person named. No notice of intent to take action need be filed for action not under the purview of Iowa Code section 80.15(2). Such personnel actions are effective without following the process of Iowa Code section 80.15(2).~~¶

~~*b. Appeal and statement of charges.* The employee identified in a notice of intent may file with the appeal board an appeal challenging the notice of intent. That appeal must be filed within 30 days of the filing of the notice of intent with the appeal board. Such appeals must be in writing, and identify the particular notice of intent that is being appealed. Once an appeal is filed, the department of public safety shall promptly file a statement of charges with the appeal board.~~¶

~~*c. Effect of failure to appeal.* The department of public safety may take the personnel action set out in the notice of intent once 30 days from filing of that notice has elapsed, but only if no timely appeal has been filed.~~¶

6.2 ~~*Filing of notice and appeal.* Notices of intent, appeals therefrom, and all other pleadings must be electronically filed pursuant to 486—Chapter 18. The filing date of a notice of intent, and of an appeal is determined as set forth in that chapter. The appeal board will dismiss appeals filed later than 30 days after the filing of the notice of intent.~~

¶

6.3 ~~*Hearing before administrative law judge and appeal to board.*~~¶

~~*a.* The appeal board will file a transmittal form with a copy of the appeal and statement of charges attached with the administrative hearings division. 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). Appeals and appeal briefs must be filed in the appeal board's electronic document management system under the original case number.~~¶

¶

~~**6.1(2)** *Filing of appeal.* An appeal shall be deemed filed on the date it is delivered to the employment appeal board. If mailed, the postmark date, appearing on the envelope, if postage was prepaid and properly addressed, shall constitute the filing date.~~¶

~~The appeal board shall provide the respondent agency a copy of the appeal.~~¶

~~—6.1(3) *Hearing date and notice.* Upon receipt of the appeal, a hearing date shall be scheduled and notice of the hearing shall be mailed, by ordinary mail, to the parties not less than ten days prior to the hearing date.¶~~

~~—6.1(4) *Continuances.* A request for continuance shall be granted only upon showing of good cause by the requesting party. The request must be in writing, stating the grounds therefor, and signed by the requesting party or an authorized agent.¶~~

~~—6.1(5) *Hearings.* The hearing shall be conducted by a quorum of the appeal board or an administrative law judge designated by the appeal board. A quorum of the appeal board shall consist of two members of the board.¶~~

~~—6.1(6) *Decisions.* If the hearing is conducted by the employment appeal board, the decision of the board shall be the final decision. If the hearing is conducted by an administrative law judge, the decision shall be a proposed decision, which shall become the final decision 30 days after the issue date of that decision, unless a further appeal is taken to the employment appeal board. The employment appeal board on further review may reverse, modify, or remand the proposed decision. The decision of the employment appeal board shall be by majority vote. The decision of the employment appeal board shall be a final agency decision subject to review through a petition for judicial review filed within 30 days of the date of the employment appeal board decision in the appropriate district court.¶~~
~~This rule is intended to implement Iowa Code section 10A.601.~~

[ARC 2642C, IAB 8/3/16, effective 9/7/16]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 2/16/89, Notice 11/16/88—published 3/8/89, effective 4/12/89]

[Filed ARC 2642C (Notice ARC 2578C, IAB 6/8/16), IAB 8/3/16, effective 9/7/16]

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