

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~~, employee organization, or public employer with standing 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 sections 20.10 and 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.

12.2(4) Although compliance with technical rules of pleading is not required, the appeal board may, on either its own motion or motion of the respondent, require the complainant to make the complaint more specific.

12.2(5) The appeal board or its designee may conduct a preliminary investigation of the allegations of any complaint. In conducting such investigation, the appeal 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 appeal board and the parties notified. Personnel involved in investigations under this rule shall not be involved in any proceeding related to the prohibited practice complaint.

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.