

ITEM 1. Adopt the following **new** 486—Chapter 17:

CHAPTER 17

STATE EMPLOYEE WHISTLEBLOWER ACTIONS

486—17.1(20,70A) Notice of appeal rights. A state executive branch employee, except a merit system employee or an employee covered by a collective bargaining agreement, may file an appeal with the appeal board as stated in Iowa Code section 70A.28(6).

486—17.2(20,70A) Filing of appeal.

17.2(1) *Timeline.* The employee must file the appeal within the timeline provided in Iowa Code section 70A.28(6).

17.2(2) *Method of filing.* Appeals and all subsequent pleadings must be electronically filed pursuant to 486—Chapter 18.

486—17.3(20,70A) Service of appeal. Upon the filing of a proper petition, the appeal board will serve copies of the petition upon the department of administrative services director (hereafter referred to as the director) by electronic means when possible and, where service by electronic means is not possible, by personal service as provided in the Iowa Rules of Civil Procedure; by certified mail, return receipt requested; by first-class mail; or by publication as provided in the Iowa Rules of Civil Procedure.

486—17.4(20,70A) Content of appeal.

17.4(1) The appeal must contain the following:

- a. Name, address, telephone number, and email address of the appealing employee;
- b. Name of agency/department by which the appealing employee is/was employed;
- c. A brief statement of the reasons for the employee's appeal;
- d. A statement of the requested remedy;

e. The name, address, telephone number, and email address of the appealing employee's representative, if any;

f. The signature of the appealing employee or employee's representative;

g. A statement of whether the employee requests a hearing open to the public; and

h. A statement of whether the employee filed a complaint with the office of ombudsman and the date of the filing, if applicable.

17.4(2) Completion of the State Employee Whistleblower Action Appeal Form available on the appeal board's website constitutes compliance with all of the requirements in subrule 17.4(1).

486—17.5(20,70A) Content of director's response to the appeal. The director shall file an answer as directed in 7—subrule 2506.11(3).

486—17.6(20,70A) Hearing.

17.6(1) After the director files an answer to the appeal, the appeal board may transmit the matter to the administrative hearings division created by Iowa Code section 10A.801. The board will file a transmittal form with a copy of the appeal and answer attached. After the matter is transmitted, future filings must be made in the administrative hearings division's administrative electronic document management system.

17.6(2) After the case is transmitted to the administrative hearings division, 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.

17.6(3) The contested case proceeding will be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

17.6(4) The proposed decision of the presiding officer may be reviewed by the appeal board in accordance with rules 7—2506.27(17A) and 7—2506.28(17A).

These rules are intended to implement Iowa Code chapters 20 and 70A.