Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 35
"Complaints Against Employees"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 22 and 80F
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 80

Public Hearing

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

October 22, 2025 9 to 9:30 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

The purpose of Chapter 35 is to provide the public with steps on how to file a complaint against an employee of the Department. This chapter also outlines notification and investigative procedures when a complaint is filed. Upon review of this chapter in accordance with Executive Order 10, the Department has determined it does not possess rulemaking authority. Therefore, the Department is proposing to rescind this chapter. The intended benefit of this rulemaking will still be achieved through the Department's website, internal policy, and Iowa Code chapters 80 and 80F.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.
- **Classes of persons that will benefit from the proposed rulemaking:**

The public will still benefit from a clearly defined process on how to file a complaint that is easily accessible on the Department's website. An employee against whom a complaint is filed can review internal policy that outlines the handling of complaints against Department employees.

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:**

Not applicable.
- **Qualitative description of impact:**

The public and Department employees will still be able to understand how to file a complaint and how complaints are handled through already existing means.

3. **Costs to the State:**
- **Implementation and enforcement costs borne by the agency or any other agency:**

There are none.
- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

The Department has determined it lacks rulemaking authority and that rescinding the chapter is the most appropriate action.

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

Rescinding Chapter 35 in its entirety is the least restrictive method since the purpose of this chapter can still be achieved through already existing means.

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

None were considered.
- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

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?

This rulemaking is not anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **661—Chapter 35**.