

Accountability Report Card Summary 2022
Iowa

Iowa has an average state whistleblower law:

- Scoring only 56 out of a possible 100 points; and
- Ranking 29th out of 51 (50 states and the District of Columbia).

Iowa has fair coverage (21 out of 33 possible points) with a fair degree of usability (18 out of 33) and remedies (16 out of 33), plus 1 bonus point for employee notice of whistleblower rights.

Iowa's full Whistleblower Report Card
Narrative summary of Iowa's law

page 2
page 5

Iowa Accountability Index Report card

Coverage, Usability & Strength — Rating on a 100 Point Scale
 Financial and Other Provisions for Public Officers and Employees- Iowa Code § 70A.28
 -.29 (1996)
 False Claims Act, Iowa Code § 685.3(4) (2010).

A. Breadth of Coverage (33 points possible from 10 factors).

Does the statute cover disclosures of –

Factor	Maximum Points	Awarded Points
1. Violation of state or federal law, rules or regulations	6 points	6 points ¹
2. Gross mismanagement	3 points	3 points
3. Abuse of authority (including violations of agency policy)	3 points	3 points
4. Waste of public funds or resources	3 points	3 points
5. Danger to health and/or public safety and/or environment	5 points	5 points
6. Communication of scientific opinion or alteration of technical findings	5 points	0 points
7. Breaches of professional ethical canons	5 points	0 points

Does the statute provide –

8. Employee may refuse to carry out illegal or improper orders	1 point	0 points
9. Prohibition on “gag orders” to prevent employee disclosures	1 point	1 point ²
10. Whistleblower protection does not preclude collective bargaining or other rights	1 point	0 points
	<u>Maximum Score</u> <u>33 points</u>	<u>Awarded Score</u> <u>21 points</u>

B. Usability: Scope of Protection (33 points possible from 10 factors)

¹ A protected disclosure includes information which the public employee reasonably believes evidences “a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.” Iowa Code § 70A.28

² Head of a state department or agency, or a person who serves in a supervisory capacity within the executive or legislative branch of state government shall not prohibit an employee of the state from disclosing information to any other state official or law enforcement agency if the employee reasonably believes the information evidences one of the Factors in 1, 3, 4, or 5 above. Iowa Code § 70A.28(1).

Do the laws protect disclosures made to –

Factor	Maximum Points	Awarded Points
1. Any person or organization, including public media	24 points	0 points

Or does the statute protect disclosures made to –

2. Any state executive or legislative body or person employed by such entities	4 points	4 points ³
3. Testimony in any official proceeding	4 points	0 points
4. Any state or federal law enforcement or investigative body or entity or its employees	3 points	3 points
5. Any federal or non-state governmental entity	3 points	0 points ⁴
6. Co-workers or supervisors within the scope of duty	3 points	0 points
7. Anyone as provided in paragraphs 2 thru 6 (above) without prior disclosure to another state official or supervisor	3 points	3 points

Does the state law –

8. Require an investigation by state auditor or other investigative entity of whistleblower disclosures	1 point	0 points
9. Have a statute of limitations of one year or longer for filing complaints	3 points (2 points if 6 months or longer and 1 point if 60 days or longer)	3 points ⁵
10. Allow qui tam or false claim actions for recovery of “bounty” in cases of fraud against the state	5 points (2 points if a qui tam statute of limited scope)	5 points ⁶
	<u>Maximum Score</u> 33 points	<u>Awarded Score</u> 18 points

C. Strength: Remedies against retaliation (33 points possible from 11 factors)

Does the statute provide for –

Factor	Maximum Points	Awarded Points
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³ Iowa Code § 70A.28, .29.

⁴ Statute does not refer to federal or non-state government entity.

⁵ A civil action under this chapter may not be brought more than six years after the date on which the violation of section 685.2 is committed, or more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of state charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever occurs last. Iowa Code Ann. § 685.4 (2012)

⁶ False Claims Act, Iowa Code § 685.3(4) (2012).

State: Iowa

Statute: Financial and Other Provisions for Public Officers and Employees- Iowa Code § 70A.28-.29 (1996); False Claims Act, Iowa Code § 685.3(4) (2010).

Provisions: A person who serves as the head of a state department or agency or otherwise serves in a supervisory capacity within the executive or legislative branch of state government shall not require an employee of the state to inform the person that the employee made a disclosure of information permitted by this section and shall not prohibit an employee of the state from disclosing any information to a member or employee of the general assembly or from disclosing information to any other public official or law enforcement agency if the employee, in good faith, reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

A public employer shall not discharge an employee, or otherwise effect an employee's appointment, promotion, or advantage in a position in a state employment system, as a reprisal for a disclosure of any information by that employee the employee reasonably evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This protected disclosure may be made to a member or employee of the general assembly, the office of citizens' aide, or any other public official or law enforcement agency.

The protections of this statute may be enforced through a civil action. The court may award affirmative relief including reinstatement with or without back pay, civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved employee prior to the violation. An injunction may be granted through an action in district court to prohibit the employer from continuing the violation of the statute.

The public employee may also bring an administrative action if the employee is not a merit system employee or an employee covered by a collective bargaining agreement. An employee eligible to pursue an administrative action pursuant to this subsection may file an appeal of the adverse employment action with the public employment relations board within thirty calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of the citizens' aide. If the public employment relations board finds that the action taken in regard to the employee was in violation of this section, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

These provisions do not apply if the disclosure of the information is prohibited by statute. The public employer must provide notice to new employees of their rights and

obligations under the statute, and must also periodically provide all employees with this information. Iowa also allows for awards to qui tam plaintiffs.