

3/8/94 (House) Labor & Indust. Rel. P. 461  
(P. 642) 3-15-94 House - Amend./RO Per  
FILED MAR 2 1994 w/ H-5396

SENATE FILE 2244  
BY COMMITTEE ON BUSINESS AND  
LABOR RELATIONS

(SUCCESSOR TO SSB 2234)

Passed Senate, Date 3-7-94 (P. 551)  
Vote: Ayes 49 Nays 0  
Passed House, Date 4-5-94 (P. 124)  
Vote: Ayes 93 Nays 1  
Approved April 13, 1994  
Passed 4-8-94  
Vote 47-0 (P. 1099) A BILL FOR

1 An Act providing for the confidentiality of certain information  
2 provided in workers' compensation mediation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

SF 2244

1 Section 1. Section 22.7, Code Supplement 1993, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Memoranda, work products, and case  
4 files of a mediator and all other confidential communications  
5 in the possession of a mediator, as provided in chapter 86.  
6 Information in these confidential communications is subject to  
7 disclosure only as provided in section 86.44, notwithstanding  
8 any other contrary provision of this chapter.

9 Sec. 2. NEW SECTION. 86.44 CONFIDENTIALITY.

10 All verbal or written information relating to the subject  
11 matter of an agreement and transmitted between any party to a  
12 dispute and a mediator to resolve a dispute pursuant to this  
13 chapter or chapter 85, 85A, or 85B, during any stage of a  
14 mediation or a dispute resolution process conducted by a  
15 mediator as provided in this section, whether reflected in  
16 notes, memoranda, or other work products in the case files, is  
17 a confidential communication except as otherwise expressly  
18 provided in this chapter. Mediators involved in a mediation  
19 or a dispute resolution process shall not be examined in any  
20 judicial or administrative proceeding regarding confidential  
21 communications and are not subject to judicial or  
22 administrative process requiring the disclosure of  
23 confidential communications.

24 This section does not apply where a mediator has reason to  
25 believe that a party to a dispute has given perjured evidence.

26 For purposes of this section, "mediator" means a chief  
27 deputy industrial commissioner or deputy industrial  
28 commissioner acting in the capacity to resolve a dispute  
29 pursuant to this chapter or chapter 85, 85A, or 85B, or an  
30 employee of the division of industrial services involved  
31 during any stage of a process to resolve a dispute.

32 EXPLANATION

33 This bill provides that information provided to a chief  
34 deputy industrial commissioner or deputy industrial  
35 commissioner or an employee of the division of indu

1 services acting in their capacity to resolve a workers'  
2 compensation dispute pursuant to chapter 85, 85A, 85B, or 86  
3 through mediation is confidential information not subject to  
4 disclosure as a public record under chapter 22 or pursuant to  
5 any administrative or judicial proceeding except to the extent  
6 the information provides evidence of perjury.

7

8

9

10

SENATE FILE 2244

11

H-5396

12

1 Amend Senate File 2244, as passed by the Senate, as  
2 follows:

13

3 1. Page 1, by striking lines 24 and 25.

14

By COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS

15

*Adopted  
4-5-94 (P.1124)*

TYRRELL of Iowa, Chairperson

16

H-5396 FILED MARCH 15, 1994

17

18

19

20

HOUSE AMENDMENT TO  
SENATE FILE 2244

21

S-5448

22

1 Amend Senate File 2244, as passed by the Senate, as  
2 follows:

23

3 1. Page 1, by striking lines 24 and 25.

24

RECEIVED FROM THE HOUSE

25

S-5448 FILED APRIL 5, 1994

26

*Senate Concurred 4/8/94 (P.1089)*

27

28

29

30

31

32

33

34

35

Buhr-Chair  
Gianetto  
Freeman

SSB-2234  
Business & Labor Relations  
SENATE FILE <sup>now</sup> ~~2234~~ 2244  
BY (PROPOSED COMMITTEE ON  
BUSINESS AND LABOR  
RELATIONS BILL BY  
CHAIRPERSON GETTINGS)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act providing for the confidentiality of certain information  
2 provided in workers' compensation mediation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

1 Section 1. Section 22.7, Code Supplement 1993, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Memoranda, work products, and case  
4 files of a mediator and all other confidential communications  
5 in the possession of a mediator, as provided in chapter 86.  
6 Information in these confidential communications is subject to  
7 disclosure only as provided in section 86.44, notwithstanding  
8 any other contrary provision of this chapter.

9 Sec. 2. NEW SECTION. 86.44 CONFIDENTIALITY.

10 All verbal or written information relating to the subject  
11 matter of an agreement and transmitted between any party to a  
12 dispute and a mediator to resolve a dispute pursuant to this  
13 chapter or chapter 85, 85A, or 85B, during any stage of a  
14 mediation or a dispute resolution process conducted by a  
15 mediator as provided in this section, whether reflected in  
16 notes, memoranda, or other work products in the case files, is  
17 a confidential communication except as otherwise expressly  
18 provided in this chapter. Mediators involved in a mediation  
19 or a dispute resolution process shall not be examined in any  
20 judicial or administrative proceeding regarding confidential  
21 communications and are not subject to judicial or  
22 administrative process requiring the disclosure of  
23 confidential communications.

24 This section does not apply where a mediator has reason to  
25 believe that a party to a dispute has given perjured evidence.

26 For purposes of this section, "mediator" means a chief  
27 deputy industrial commissioner or deputy industrial  
28 commissioner acting in the capacity to resolve a dispute  
29 pursuant to this chapter or chapter 85, 85A, or 85B, or an  
30 employee of the division of industrial services involved  
31 during any stage of a process to resolve a dispute.

32 EXPLANATION

33 This bill provides that information provided to a chief  
34 deputy industrial commissioner or deputy industrial  
35 commissioner or an employee of the division of industrial

1 services acting in their capacity to resolve a workers'  
2 compensation dispute pursuant to chapter 85, 85A, 85B, or 86  
3 through mediation is confidential information not subject to  
4 disclosure as a public record under chapter 22 or pursuant to  
5 any administrative or judicial proceeding except to the extent  
6 the information provides evidence of perjury.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE FILE 2244

AN ACT  
PROVIDING FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION  
PROVIDED IN WORKERS' COMPENSATION MEDIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 22.7, Code Supplement 1993, is amended  
by adding the following new subsection:

NEW SUBSECTION. 31. Memoranda, work products, and case  
files of a mediator and all other confidential communications  
in the possession of a mediator, as provided in chapter 86.  
Information in these confidential communications is subject to  
disclosure only as provided in section 86.44, notwithstanding  
any other contrary provision of this chapter.

Sec. 2. NEW SECTION. 86.44 CONFIDENTIALITY.

All verbal or written information relating to the subject  
matter of an agreement and transmitted between any party to a  
dispute and a mediator to resolve a dispute pursuant to this  
chapter or chapter 85, 85A, or 85B, during any stage of a  
mediation or a dispute resolution process conducted by a  
mediator as provided in this section, whether reflected in  
notes, memoranda, or other work products in the case files, is  
a confidential communication except as otherwise expressly  
provided in this chapter. Mediators involved in a mediation  
or a dispute resolution process shall not be examined in any  
judicial or administrative proceeding regarding confidential  
communications and are not subject to judicial or  
administrative process requiring the disclosure of  
confidential communications.

For purposes of this section, "mediator" means a chief  
deputy industrial commissioner or deputy industrial  
commissioner acting in the capacity to resolve a dispute  
pursuant to this chapter or chapter 85, 85A, or 85B, or an

employee of the division of industrial services involved  
during any stage of a process to resolve a dispute.

\_\_\_\_\_  
LEONARD L. BOSWELL  
President of the Senate

\_\_\_\_\_  
HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2244, Seventy-fifth General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved April 13, 1994

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor