



MINUTES Legislative Council

Wednesday, January 4, 2017

MEMBERS PRESENT

Senator Michael E. Gronstal, Vice Chairperson
Senator Jake Chapman
Senator Bill Dix
Senator Robert E. Dvorsky
Senator Amanda Ragan
Senator Jack Whitver

Representative Linda L. Upmeyer, Chairperson
Representative Ako Abdul-Samad
Representative Peter Cownie
Representative Joel Fry
Representative Mary Gaskill
Representative Chris Hagenow
Representative Thomas R. Sands
Representative Mark D. Smith
Representative Sally Stutsman
Representative Matt W. Windschitl

LSA CONTACTS: Organizational staffing provided by: Glen Dickinson, Secretary to the Legislative Council, (515) 281-4616; and Richard Johnson, Division Director, (515) 281-3894; Minutes prepared by: Susan Crowley, Legal Editor, (515) 281-3430

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I. Procedural Business

Call to Order. The third meeting of the 2015-2016 Legislative Council was called to order by Chairperson Upmeyer at 1:00 p.m., Wednesday, January 4, 2017, in Room 22, State Capitol, Des Moines, Iowa. Representatives Fry, Gaskill, Stutsman, and Windschitl attended the meeting via a telecommunications connection.

Minutes of Prior Meeting. Vice Chairperson Gronstal moved that the minutes of the meeting of July 12, 2016, be approved without additions or corrections. The motion was approved by voice vote.

Consideration of Reports and Other Business. Legislative Council actions are summarized in these minutes.

Adjournment. The meeting was adjourned at 2:15 p.m.

II. Court Rules

Chairperson Upmeyer recognized Mr. Richard Johnson, Legislative Services Agency, regarding changes to Court Rules submitted by the Supreme Court, who described the court rule changes as principally related to the adoption of a new Court Rules chapter relating to electronic procedure rules. There being no objection, the submitted changes to Court Rules were received and filed by the Legislative Council by unanimous consent.

III. Appointment of Ombudsman

Chairperson Upmeyer introduced Kristie Hirschman, Acting Ombudsman, for consideration of her appointment to a four-year term as Ombudsman. Senator Dvorsky made the following motion:

Pursuant to Iowa Code sections 2C.3 and 2C.5, which provide for the appointment by the Legislative Council of the Ombudsman to a four-year term, subject to confirmation by a constitutional majority vote



of the Senate and House of Representatives, I move that the Legislative Council appoint Ms. Kristie Hirschman as Ombudsman for a four-year term commencing July 1, 2017.

A roll call vote was taken, and the motion was adopted on a 16 - 0 vote.

IV. Confidential Report of the Service Committee

Vice Chairperson Gronstal moved that the Legislative Council go into executive session to consider the confidential personnel report of the Service Committee and to hear testimony regarding a grievance appeal.

V. Grievance Appeal Hearing

The executive session was convened and the proposed Rules of Procedure Governing Grievances were approved by voice vote, a copy of which is attached to these minutes. After testimony by Mr. Glen Dickinson, Director of the Legislative Services Agency, and Mr. Charles Gribble, the legal representative of the former employee, the Legislative Council deliberated on the personnel matter. Upon Vice Chairperson Gronstal's motion, the Legislative Council returned to open session. Vice Chairperson Gronstal moved that the Legislative Council affirm the decision of the Service Committee upholding the Legislative Service Agency's action regarding the confidential personnel matter. A roll call vote was taken, and the motion was adopted on a 15 - 1 vote.

VI. Attachment

Rules of Procedure Governing Grievances

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RULES OF PROCEDURE GOVERNING GRIEVANCES

IOWA LEGISLATIVE COUNCIL

I. Grievance Rules of Procedure.

These rules of procedure governing grievances meet the requirement of the Legislative Council's Grievance Procedures that the Legislative Council adopt rules of procedure at the time of consideration of a grievance appeal. These rules do not supersede any provisions of the Grievance Procedures.

II. Hearing.

1. The chairperson of the Legislative Council shall set a time for hearing the written appeal of the grievance.
2. The hearing shall be closed at the request of either the employee or the affected director.
3. The hearing shall be held on the record of the grievance before the Service Committee, including any audio recording of the Service Committee's hearing.
4. The hearing shall be held in an informal manner. The employee, the director, or the Legislative Council may call witnesses and consider any documents and written statements which are relevant to the grievance.
5. The Legislative Council may request additional information from any person and may continue the hearing.
6. The Legislative Council shall ensure that a record of all information presented to the Legislative Council is created.

III. Decision.

1. The Legislative Council shall make a written decision in regard to the grievance appeal. The decision of the Legislative Council in regard to the grievance is final. A copy of the written decision shall be filed with the employee and the affected director.
2. An affirmative vote of at least a majority (13) of all members of the Legislative Council shall be required for final action on any motion related to the grievance except a motion to recess or adjourn.

Adopted: January 4, 2017