

**EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

APRIL 7, 2014

HOUSE FILE 2462

H-8213

1 Amend House File 2462 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 22.7, subsection 11, paragraph
5 a, subparagraph (5), Code 2014, is amended to read as
6 follows:

7 (5) The fact that the individual resigned in lieu
8 of termination, was discharged, or was demoted as
9 the result of a final disciplinary action upon the
10 exhaustion of all applicable contractual, legal, and
11 statutory remedies, and the documented reasons and
12 rationale for the resignation in lieu of termination,
13 the discharge, or the demotion. For purposes of this
14 subparagraph, "demoted" and "demotion" mean a change of
15 an employee from a position in a given classification
16 to a position in a classification having a lower pay
17 grade.

18 Sec. 2. NEW SECTION. 22.13A Personnel settlement
19 agreements ---- state employees ---- confidentiality ----
20 disclosure.

21 1. For purposes of this section:

22 a. "Personnel settlement agreement" means a binding
23 legal agreement between a state employee and the state
24 employee's employer, subject to section 22.13, to
25 resolve a personnel dispute including but not limited
26 to a grievance. "Personnel settlement agreement" does
27 not include an initial decision by a state employee's
28 immediate supervisor concerning a personnel dispute or
29 grievance.

30 b. "State employee" means an employee of the state
31 who is an employee of the executive branch as described
32 in sections 7E.2 and 7E.5.

33 2. Personnel settlement agreements shall not
34 contain any confidentiality or nondisclosure
35 provision that attempts to prevent the disclosure of
36 the personnel settlement agreement. In addition,
37 any confidentiality or nondisclosure provision
38 in a personnel settlement agreement is void and
39 unenforceable.

40 3. The requirements of this section shall not be
41 superseded by any provision of a collective bargaining
42 agreement.

43 4. All personnel settlement agreements shall be
44 made easily accessible to the public on an internet
45 site maintained as follows:

46 a. For personnel settlement agreements with an
47 employee of the executive branch, excluding an employee
48 of the state board of regents or institution under
49 the control of the state board of regents, by the
50 department of administrative services.

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1 b. For personnel settlement agreements with an
2 employee of the state board of regents or institution
3 under the control of the state board of regents, by the
4 state board of regents.

5 Sec. 3. IMPLEMENTATION PROVISION. This Act shall
6 not be construed to limit or impair the ability of law
7 enforcement personnel to investigate any activity that
8 may violate the laws of the state.

9 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being
10 deemed of immediate importance, takes effect upon
11 enactment.

12 Sec. 5. RETROACTIVE APPLICABILITY. The following
13 provision of this Act applies retroactively to January
14 1, 2004:

15 1. The section of this Act amending section 22.7,
16 subsection 11.>

By PETTENGILL of Benton