House File 2462 - Introduced

HOUSE FILE 2462
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HSB 684)

A BILL FOR

- 1 An Act concerning public employee personnel settlement
- 2 agreements and disciplinary actions, and including effective
- 3 date and retroactive applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 22.7, subsection 11, paragraph a,
- 2 subparagraph (5), Code 2014, is amended to read as follows:
- 3 (5) The fact that the individual resigned in lieu of
- 4 termination, was discharged, or was demoted as the result
- 5 of a final disciplinary action upon the exhaustion of all
- 6 applicable contractual, legal, and statutory remedies, and the
- 7 documented reasons and rationale for the resignation in lieu of
- 8 termination, the discharge, or the demotion.
- 9 Sec. 2. NEW SECTION. 22.13A Personnel settlement agreements
- 10 state employees confidentiality disclosure.
- 11 1. For purposes of this section:
- 12 a. "Personnel settlement agreement" means a binding legal
- 13 agreement between a state employee and the state employee's
- 14 employer, subject to section 22.13, to resolve a personnel
- 15 dispute including but not limited to a grievance. "Personnel
- 16 settlement agreement" does not include an initial decision by a
- 17 state employee's immediate supervisor concerning a personnel
- 18 dispute or grievance.
- 19 b. "State employee" means an employee of the state who is
- 20 an employee of the executive branch as described in sections
- 21 7E.2 and 7E.5.
- 22 2. Personnel settlement agreements shall not contain any
- 23 confidentiality or nondisclosure provision that attempts to
- 24 prevent the disclosure of the personnel settlement agreement.
- 25 In addition, any confidentiality or nondisclosure provision in
- 26 a personnel settlement agreement is void and unenforceable.
- 27 3. The requirements of this section shall not be superseded
- 28 by any provision of a collective bargaining agreement.
- 29 4. All personnel settlement agreements shall be made easily
- 30 accessible to the public on an internet site maintained as
- 31 follows:
- 32 a. For personnel settlement agreements with an employee of
- 33 the executive branch, excluding an employee of the state board
- 34 of regents or institution under the control of the state board
- 35 of regents, by the department of administrative services.

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- 1 b. For personnel settlement agreements with an employee of
- 2 the state board of regents or institution under the control of
- 3 the state board of regents, by the state board of regents.
- 4 Sec. 3. IMPLEMENTATION PROVISION. This Act shall not be
- 5 construed to limit or impair the ability of law enforcement
- 6 personnel to investigate any activity that may violate the laws
- 7 of the state.
- 8 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
- 9 immediate importance, takes effect upon enactment.
- 10 Sec. 5. RETROACTIVE APPLICABILITY. The following provision
- 11 of this Act applies retroactively to January 1, 2004:
- 12 l. The section of this Act amending section 22.7, subsection
- 13 11.
- 14 EXPLANATION
- The inclusion of this explanation does not constitute agreement with
- the explanation's substance by the members of the general assembly.
- 17 This bill concerns disclosure of information relating to
- 18 disciplinary actions taken against certain public employees and
- 19 personnel settlement agreements with state employees.
- 20 Code section 22.7(11), concerning personal information in
- 21 confidential personnel records of government bodies, is amended
- 22 to provide that information in an official's, officer's, or
- 23 employee's personnel records concerning the fact that such an
- 24 individual resigned in lieu of termination or was demoted as
- 25 the result of a final disciplinary action by a government body
- 26 and the documented reasons and rationale for any resignation
- 27 in lieu of termination, discharge, or demotion against an
- 28 individual are public records and not confidential. Under
- 29 current law, only the fact in a personnel record that the
- 30 individual was discharged is considered a public record and not
- 31 confidential. This provision takes effect upon enactment and
- 32 applies retroactively to January 1, 2004.
- New Code section 22.13A provides that personnel settlement
- 34 agreements between the state and an employee of the state shall
- 35 not contain any confidentiality or nondisclosure provisions

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- 1 that attempt to prevent the disclosure of the personnel
- 2 settlement agreement and shall be made available to the public
- 3 on an internet site. In addition, the bill provides that any
- 4 confidentiality or nondisclosure provision in a personnel
- 5 settlement agreement is not enforceable. New Code section
- 6 22.13A is applicable to employees of the executive branch of
- 7 government and defines a personnel settlement agreement as a
- 8 binding legal agreement between a state employee and the state
- 9 employee's employer, subject to Code section 22.13 relating to
- 10 settlement agreements as public records, to resolve a personnel
- 11 dispute including but not limited to certain grievances. The
- 12 bill provides that the internet site be maintained by the
- 13 department of administrative services or board of regents,
- 14 as applicable, based on the employee covered. The bill also
- 15 provides that the requirements of this new provision shall not
- 16 be superseded by any collective bargaining agreement.
- 17 The bill includes an implementation provision that provides
- 18 that the bill shall not be construed to limit or impair the
- 19 ability of law enforcement personnel to investigate violations
- 20 of the law.
- 21 These provisions of the bill take effect upon enactment.