

House Study Bill 684 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KOESTER)

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:

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 The requirements of this section shall not be superseded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.

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. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

6 Sec. 4. RETROACTIVE APPLICABILITY. The following provision
7 of this Act applies retroactively to January 1, 2004:

8 1. The section of this Act amending section 22.7, subsection
9 11.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill concerns disclosure of information relating to
14 disciplinary actions taken against certain public employees and
15 personnel settlement agreements with state employees.

16 Code section 22.7(11), concerning personal information in
17 confidential personnel records of government bodies, is amended
18 to provide that information in an official's, officer's, or
19 employee's personnel records concerning the fact that such an
20 individual resigned in lieu of termination or was demoted as
21 the result of a final disciplinary action by a government body
22 and the documented reasons and rationale for any resignation
23 in lieu of termination, discharge, or demotion against an
24 individual are public records and not confidential. Under
25 current law, only the fact in a personnel record that the
26 individual was discharged is considered a public record and not
27 confidential. This provision takes effect upon enactment and
28 applies retroactively to January 1, 2004.

29 New Code section 22.13A provides that personnel settlement
30 agreements between the state and an employee of the state shall
31 not contain any confidentiality or nondisclosure provisions
32 that attempt to prevent the disclosure of the personnel
33 settlement agreement and shall be made available to the public
34 on an internet site. In addition, the bill provides that any
35 confidentiality or nondisclosure provision in a personnel

1 settlement agreement is not enforceable. New Code section
2 22.13A is applicable to employees of the executive branch of
3 government and defines a personnel settlement agreement as a
4 binding legal agreement between a state employee and the state
5 employee's employer, subject to Code section 22.13 relating to
6 settlement agreements as public records, to resolve a personnel
7 dispute including but not limited to certain grievances. The
8 bill provides that the internet site be maintained by the
9 department of administrative services or board of regents,
10 as applicable, based on the employee covered. The bill also
11 provides that the requirements of this new provision shall not
12 be superseded by any collective bargaining agreement. These
13 provisions of the bill take effect upon enactment.