

Senate File 2045 - Introduced

SENATE FILE 2045

BY TAYLOR

A BILL FOR

1 An Act requiring state employees at fault for an employment
2 action resulting in an award of relief to an aggrieved state
3 employee to pay a civil penalty equal to the cost of the
4 relief awarded and including applicability provisions.

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

1 Section 1. NEW SECTION. 70A.21 Award of relief to state
2 employee — determination of fault — recovery by state employer
3 — civil penalty.

4 1. For purposes of this section:

5 a. "State employee" means an individual employed by a state
6 employer.

7 b. "State employer" means the state of Iowa, or any of its
8 boards, commissions, agencies, or departments.

9 2. If a finder of fact in a grievance resolution process
10 pursuant to section 8A.415, subsection 2, or to a collective
11 bargaining agreement, or in a civil or administrative action
12 pursuant to section 70A.28, subsection 5 or 6, awards a
13 state employee any form of relief, the finder of fact shall
14 also, as part of the same proceeding, determine which other
15 state employee or other state employees were at fault for the
16 discharge or other action taken against the aggrieved state
17 employee for which relief is awarded. If the finder of fact
18 determines that multiple state employees were at fault, the
19 finder of fact shall determine the percentage of the total
20 fault allocated to each employee.

21 3. A state employee determined to be at fault pursuant to
22 subsection 2 is liable to the state employer of the aggrieved
23 state employee for a civil penalty equal to the cost of the
24 relief awarded to the aggrieved state employee. If multiple
25 state employees were determined to be at fault, each employee
26 shall be liable for a percentage of the cost equal to the
27 employee's percentage of the total fault. The state employer
28 or the attorney general may commence a civil action to recover
29 the amount of the civil penalty, including reasonable attorney
30 fees and costs. The civil penalty recovered shall be retained
31 by the state employer as a repayment receipt as defined in
32 section 8.2 and used in the support of the state employer's
33 board, commission, agency, or department.

34 4. Chapter 669 shall not apply to state employee claims made
35 pursuant to this section.

1 Sec. 2. APPLICABILITY. This Act applies to collective
2 bargaining agreements entered into on and after the effective
3 date of this Act.

4

EXPLANATION

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

7 This bill requires a finder of fact, in a grievance
8 resolution process under the state merit system or provided
9 for in a collective bargaining agreement or in a civil or
10 administrative action pursuant to the state whistleblower law,
11 who awards a state employee any form of relief to also, as part
12 of the same proceeding, determine which other state employee
13 or other state employees were at fault for the discharge or
14 other action taken against the aggrieved state employee for
15 which relief is awarded. If multiple state employees are
16 determined to be at fault, the bill requires the finder of fact
17 to determine the percentage of the total fault allocated to
18 each employee.

19 The bill imposes liability on a state employee so determined
20 to be at fault for a civil penalty equal to the cost of the
21 relief awarded to the aggrieved state employee. If multiple
22 state employees are determined to be at fault, each employee
23 is liable for a percentage of the cost equal to the employee's
24 percentage of the total fault. The bill permits the state
25 employer or the attorney general to commence a civil action to
26 recover the amount of the civil penalty, including reasonable
27 attorney fees and costs. The state employer retains any
28 recovered civil penalty as a repayment receipt to be used for
29 the state employer's use.

30 The Iowa tort claims Act, Code chapter 669, does not apply
31 to the bill.

32 The bill applies to collective bargaining agreements entered
33 into on and after the effective date of the bill.