

House Study Bill 113 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act concerning government accountability, relating to
2 state employee bonuses, personnel records and settlement
3 agreements and disciplinary actions, and citizen interaction
4 with state government, and including effective date and
5 retroactive applicability provisions.

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

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DIVISION I

PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS

Section 1. Section 22.7, subsection 11, paragraph a, Code 2015, is amended to read as follows:

a. Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained as of or after January 1, 2004, in personnel records shall be public records:

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to this section or any other applicable provision of law. For purposes of this paragraph, "*compensation*" means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an official, officer, or employee plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal, and statutory remedies, and the

1 documented reasons and rationale for the resignation in lieu
2 of termination, the discharge, or the demotion. For purposes
3 of this subparagraph, "demoted" and "demotion" mean a change
4 of an employee from a position in a given classification to a
5 position in a classification having a lower pay grade.

6 Sec. 2. NEW SECTION. **22.13A Personnel settlement agreements**
7 **— state employees — confidentiality — disclosure.**

8 1. For purposes of this section:

9 a. "*Personnel settlement agreement*" means a binding legal
10 agreement between a state employee and the state employee's
11 employer, subject to section 22.13, to resolve a personnel
12 dispute including but not limited to a grievance. "*Personnel*
13 *settlement agreement*" does not include an initial decision by a
14 state employee's immediate supervisor concerning a personnel
15 dispute or grievance.

16 b. "*State employee*" means an employee of the state who is
17 an employee of the executive branch as described in sections
18 7E.2 and 7E.5.

19 2. Personnel settlement agreements shall not contain any
20 confidentiality or nondisclosure provision that attempts to
21 prevent the disclosure of the personnel settlement agreement.
22 In addition, any confidentiality or nondisclosure provision in
23 a personnel settlement agreement is void and unenforceable.

24 3. The requirements of this section shall not be superseded
25 by any provision of a collective bargaining agreement.

26 4. All personnel settlement agreements shall be made easily
27 accessible to the public on an internet site maintained as
28 follows:

29 a. For personnel settlement agreements with an employee of
30 the executive branch, excluding an employee of the state board
31 of regents or institution under the control of the state board
32 of regents, by the department of administrative services.

33 b. For personnel settlement agreements with an employee of
34 the state board of regents or institution under the control of
35 the state board of regents, by the state board of regents.

1 employee, including the amount paid and the documented reasons
2 and rationale for the bonus paid, shall be a public record.

3 3. All decisions to provide bonus pay to an executive branch
4 employee, including information described in subsection 2,
5 shall be made easily accessible to the public on an internet
6 site maintained as follows:

7 a. For decisions to provide bonus pay to an employee of the
8 executive branch, excluding an employee of the state board of
9 regents or institution under the control of the state board of
10 regents, by the department of administrative services.

11 b. For decisions to provide bonus pay to an employee of the
12 state board of regents or institution under the control of the
13 state board of regents, by the state board of regents.

14 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 DIVISION III

18 GOVERNMENTAL ACCOUNTABILITY PORTAL

19 Sec. 8. Section 23.1, Code 2015, is amended to read as
20 follows:

21 **23.1 Citation and purpose.**

22 This chapter may be cited as the "*Iowa Public Information*
23 *Board Act*". The purpose of this chapter is to enhance citizen
24 interaction with state government and to provide an alternative
25 means by which to secure compliance with and enforcement of the
26 requirements of chapters 21 and 22 through the provision by the
27 Iowa public information board to all interested parties of an
28 efficient, informal, and cost-effective process for resolving
29 disputes.

30 Sec. 9. Section 23.6, Code 2015, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 11A. Develop and maintain an
33 internet-based government accountability portal to provide
34 public access to and to foster public interaction with state
35 government agencies. The portal shall facilitate public access

1 only the fact in a personnel record that the individual was
2 discharged is considered a public record and not confidential.
3 The amendments to this subsection take effect upon enactment
4 and apply retroactively to information contained as of or after
5 January 1, 2004, in personnel records.

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

27 The division further provides that this division of the bill
28 shall not be construed to limit the ability of law enforcement
29 personnel to investigate any activity that may violate state
30 law.

31 STATE EMPLOYEE BONUSES. This division of the bill concerns
32 executive branch bonuses. New Code section 22.13B requires
33 that information concerning bonus pay awarded to an executive
34 branch employee in any amount, including the name of the
35 employee, the amount paid and the reasons for the bonus, shall

1 be made easily accessible to the public on an internet site.
2 This division of the bill takes effect upon enactment.
3 GOVERNMENT ACCOUNTABILITY PORTAL. This division of the
4 bill concerns establishment of a government accountability
5 portal under the authority of the Iowa public information
6 board. The bill amends Code section 23.1 to provide that a
7 purpose of the Code chapter is to enhance citizen interaction
8 with state government and amends Code section 23.6 to require
9 the Iowa public information board to develop and maintain an
10 internet-based government accountability portal. The bill
11 directs the Iowa public information board, in collaboration
12 with the office of the chief information officer, to develop
13 and establish a government accountability portal to serve as
14 a primary access point for citizens to interact with state
15 government agencies.