

**Senate File 121 - Introduced**

SENATE FILE 121

BY GARRETT, CHAPMAN,  
SCHULTZ, BEHN, SINCLAIR,  
COSTELLO, CHELGREN,  
SCHNEIDER, GUTH, ROZENBOOM,  
FEENSTRA, KAPUCIAN,  
JOHNSON, SEGEBART, ZAUN,  
KRAAYENBRINK, BERTRAND,  
SHIPLEY, ANDERSON,  
BREITBACH, ZUMBACH, and  
SMITH

**A BILL FOR**

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

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

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. 70A.35 **Personnel settlement agreements**  
7 **— public employers.**

8 1. For purposes of this section:

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

15 b. "*State employer*" means any of the following:

16 (1) The executive branch of state government, to include  
17 a unit of state government, which is an authority, board,  
18 commission, committee, council, department, or independent  
19 agency as defined in section 7E.4, including but not limited  
20 to each principal central department enumerated in section  
21 7E.5; the office of the governor; and the office of an elective  
22 constitutional or statutory officer.

23 (2) The general assembly, or any office or unit under its  
24 administrative authority.

25 (3) The judicial branch, as provided in section 602.1102.

26 2. Personnel settlement agreements shall not contain any  
27 confidentiality or nondisclosure provision that attempts to  
28 prevent the disclosure of the personnel settlement agreement.  
29 In addition, any confidentiality or nondisclosure provision in  
30 a personnel settlement agreement is void and unenforceable.

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 The requirements of this section shall not be superseded  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

33 4. All personnel settlement agreements shall be made easily  
34 accessible to the public on an internet site maintained as  
35 follows:

1 a. For personnel settlement agreements with an employee of  
2 the executive branch, excluding an employee of the state board  
3 of regents or institution under the control of the state board  
4 of regents, by the department of administrative services.

5 b. For personnel settlement agreements with an employee of  
6 the state board of regents or institution under the control of  
7 the state board of regents, by the state board of regents.

8 c. For personnel settlement agreements with an employee of  
9 the general assembly, by the general assembly.

10 d. For personnel settlement agreements with an employee of  
11 the judicial branch, by the judicial branch.

12 Sec. 3. IMPLEMENTATION PROVISION. This division of this  
13 Act shall not be construed to limit or impair the ability of  
14 law enforcement personnel to investigate any activity that may  
15 violate the laws of the state.

16 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this  
17 Act, being deemed of immediate importance, takes effect upon  
18 enactment.

19 Sec. 5. RETROACTIVE APPLICABILITY. The section of this  
20 division of this Act amending section 22.7, subsection 11,  
21 applies retroactively to all information described in section  
22 22.7, subsection 11, paragraph "a", subparagraphs (1) through  
23 (5), as amended by this division of this Act, relating to  
24 information of such individuals contained as of or after  
25 January 1, 2004, in personnel records.

26 DIVISION II

27 STATE EMPLOYEE BONUSES

28 Sec. 6. NEW SECTION. 22.13A Executive branch bonuses —  
29 disclosure.

30 1. For purposes of this section:

31 a. "Bonus pay" means any additional remuneration provided an  
32 employee in the form of a bonus, including but not limited to a  
33 retention bonus, recruitment bonus, exceptional job performance  
34 pay, extraordinary job performance pay, exceptional performance  
35 pay, extraordinary duty pay, or extraordinary or special duty

1 pay, and any extra benefit not otherwise provided to other  
2 similarly situated employees.

3 *b. "Executive branch employee"* means an employee of the  
4 executive branch of state government, which includes any  
5 unit of state government, including but not limited to an  
6 authority, board, commission, committee, council, department,  
7 or independent agency as defined in section 7E.4, and each  
8 principal central department enumerated in section 7E.5;  
9 the office of the governor; and the office of an elective  
10 constitutional or statutory officer.

11 2. A decision to provide bonus pay to an executive branch  
12 employee, including the amount paid and the documented reasons  
13 and rationale for the bonus paid, shall be a public record.

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

18 *a.* For decisions to provide bonus pay to an employee of the  
19 executive branch, excluding an employee of the state board of  
20 regents or institution under the control of the state board of  
21 regents, by the department of administrative services.

22 *b.* For decisions to provide bonus pay to an employee of the  
23 state board of regents or institution under the control of the  
24 state board of regents, by the state board of regents.

25 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this  
26 Act, being deemed of immediate importance, takes effect upon  
27 enactment.

28 EXPLANATION

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

31 This bill concerns government accountability and government  
32 employment practices.

33 PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS. This division  
34 of the bill relates to personal information in confidential  
35 personnel records of government bodies and personnel settlement

1 agreements.

2 Code section 22.7(11), governing personal information  
3 in confidential personnel records of government bodies,  
4 is amended. Previous legislation, effective May 12, 2011,  
5 provides that certain information in confidential personnel  
6 records is considered a public record. The bill provides  
7 that this information in a confidential personnel record as  
8 of or after January 1, 2004, is a public record. The bill  
9 further amends this subsection to provide that information  
10 in an official's, officer's, or employee's personnel records  
11 concerning the fact that such an individual resigned in  
12 lieu of termination or was demoted as the result of a final  
13 disciplinary action by a government body and the documented  
14 reasons and rationale for any resignation in lieu of  
15 termination, discharge, or demotion against an individual  
16 are public records and not confidential. Under current law,  
17 only the fact in a personnel record that the individual was  
18 discharged is considered a public record and not confidential.  
19 The amendments to this subsection take effect upon enactment  
20 and apply retroactively to information contained as of or after  
21 January 1, 2004, in personnel records.

22 New Code section 70A.35 provides that personnel settlement  
23 agreements between the state and an employee of the state shall  
24 not contain any confidentiality or nondisclosure provisions  
25 that attempt to prevent the disclosure of the personnel  
26 settlement agreement and shall be made available to the public  
27 on an internet site. In addition, the bill provides that any  
28 confidentiality or nondisclosure provision in a personnel  
29 settlement agreement is not enforceable. New Code section  
30 70A.35 is applicable to employees of a state employer and  
31 defines a personnel settlement agreement as a binding legal  
32 agreement between an employee and the employee's state employer  
33 to resolve a personnel dispute including but not limited to  
34 certain grievances. The bill defines "state employer" to  
35 include the executive, legislative, and judicial branches

1 of government. The bill provides that the internet site be  
2 maintained by the department of administrative services,  
3 board of regents, general assembly, or judicial branch, as  
4 applicable, based on the employee covered. The bill also  
5 provides that the requirements of this new provision shall not  
6 be superseded by any collective bargaining agreement. These  
7 provisions of this division of this bill take effect upon  
8 enactment.

9 The division further provides that this division of the bill  
10 shall not be construed to limit the ability of law enforcement  
11 personnel to investigate any activity that may violate state  
12 law.

13 STATE EMPLOYEE BONUSES. This division of the bill concerns  
14 executive branch bonuses. New Code section 22.13A requires  
15 that information concerning bonus pay awarded to an executive  
16 branch employee in any amount, including the name of the  
17 employee, the amount paid and the reasons for the bonus, shall  
18 be made easily accessible to the public on an internet site.  
19 This division of the bill takes effect upon enactment.