

**Senate Study Bill 1072 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**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 and interaction with state agencies by allowing the public to  
2 register complaints, make comments and suggestions, and receive  
3 timely responses to information requests.

4 Sec. 10. GOVERNMENT ACCOUNTABILITY PORTAL —  
5 DEVELOPMENT. The Iowa public information board, in  
6 collaboration with the office of the chief information officer,  
7 shall develop and establish a government accountability portal  
8 to serve as a primary access point for citizens to interact  
9 with state government agencies, enabling the public to register  
10 complaints, make comments and suggestions, and receive timely  
11 responses to information requests.

12 EXPLANATION

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

15 This bill concerns government accountability and government  
16 employment practices.

17 PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS. This division  
18 of the bill relates to personal information in confidential  
19 personnel records of government bodies and personnel settlement  
20 agreements.

21 Code section 22.7(11), governing personal information  
22 in confidential personnel records of government bodies,  
23 is amended. Previous legislation, effective May 12, 2011,  
24 provides that certain information in confidential personnel  
25 records is considered a public record. The bill provides  
26 that this information in a confidential personnel record as  
27 of or after January 1, 2004, is a public record. The bill  
28 further amends this subsection to provide that information  
29 in an official's, officer's, or employee's personnel records  
30 concerning the fact that such an individual resigned in  
31 lieu of termination or was demoted as the result of a final  
32 disciplinary action by a government body and the documented  
33 reasons and rationale for any resignation in lieu of  
34 termination, discharge, or demotion against an individual  
35 are public records and not confidential. Under current law,

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.