



# Iowa General Assembly

## 2004 Legal Updates

Legislative Services Agency – Legal Services Division

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**Purpose.** *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

### INJUNCTIVE RELIEF UNDER IOWA'S WHISTLE-BLOWER STATUTE

Filed by the Iowa Supreme Court  
July 21, 2004

Worthington v. Kenkel, No. 03-0176

<http://www.judicial.state.ia.us/supreme/opinions/20040721/03-0176.asp>

**Factual and Procedural Background:** Jen Worthington was employed as a fire prevention supervisor in the office of the State Fire Marshal, a division of the Department of Public Safety. Ms. Worthington believed she was about to be terminated from her employment with the State Fire Marshal's Office after the State Commissioner of Public Safety temporarily suspended her from her duties with pay based on an allegation that she had filed false reports. Ms. Worthington claimed records in the office had been altered by other employees to make it appear as if she had filed false fire safety reports with state and federal agencies and she believed that the termination was in retaliation for reporting what she believed was a romantic relationship between a supervisor and a subordinate employee. Based upon Iowa's whistle-blower statute, Iowa Code section 70A.28, Ms. Worthington filed a petition for injunctive relief in district court seeking to prevent her discharge from employment. The district court dismissed her petition on grounds that Ms. Worthington had an adequate legal remedy to challenge her termination as an employee of the Department of Public Safety pursuant to Iowa Code section 80.15.

**Issue:** May an aggrieved state employee seek injunctive relief under Iowa's whistle-blower statute even if an alternative but adequate legal remedy exists?

**Analysis:** Under traditional equitable principles, injunctive relief is improper if an adequate legal remedy exists. Generally, issuance of an injunction has been a discretionary function of the court based on the traditional principles of equity and the specific circumstances of the case. As such, if an adequate remedy at law exists, courts have generally required the person aggrieved to pursue the legal remedy without recourse to injunctive relief. In this case, Iowa Code section 80.15 provides that the Department of Public Safety is required to conduct a hearing and provide each member of the department covered by this provision an opportunity to present a defense before imposing dismissal, suspension, discipline, demotion, or other disciplinary action resulting in the loss of pay. Because this legal remedy exists, the State Commissioner of Public Safety argued that Ms. Worthington was not entitled to seek injunctive relief under Iowa's whistle-blower statute as she had an adequate legal remedy under Iowa Code section 80.15.

The Supreme Court, however, noted that traditional equitable principles are not always applicable when a statute expressly authorizes injunctive relief. Still, in order to override the traditional equitable principle that injunctive relief is improper if an adequate remedy at law exists, there must be some showing that the statute was designed to provide for an injunction based on the violation of some act prohibited by the statute independent of the equitable principles.

Iowa Code section 70A.28(2) specifically declares that a person shall not discharge a public employee for whistle-blowing. Furthermore, the Code section permits the Attorney General or the aggrieved employee to request injunctive relief in district court to stop any acts leading to discharge in violation of the prohibition. The Court noted that this authorization to pursue injunctive relief "... reveals an umbrella of protection from retaliatory discharge for all state workers and prohibits actions by those who exercise governmental authority from undermining this public policy and from stifling whistle-blowers in the work place."

**Conclusion:** The Supreme Court noted that in enacting whistle-blower legislation, the Legislature had already balanced the equities and deemed an injunction to be an appropriate response to stop the illegal activity. The Court concluded that it would be improper to require a preliminary showing of no adequate legal remedy before authorizing a petition to seek injunctive relief under the whistle-blower statute. The Court therefore determined that Ms. Worthington was authorized to pursue injunctive relief under Iowa's whistle-blower statute.

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