

TO: Administrative Officers

FROM: Kristi Darr, Interim Vice President of Human Resources
Michael Norton, University Counsel

CC: HR Liaisons

DATE: April 13, 2017

RE: Disciplinary Action as a Matter of Public Record

With the passage of House File 291, effective February 17, 2017, Iowa State University is required to notify employees (faculty, professional & scientific, merit, and post-doctoral scholars) in writing that certain disciplinary actions placed in personnel files may become public records. Disciplinary actions covered by the new law include: resignations in lieu of termination, discharges, and demotions resulting from a disciplinary action.

Effective immediately, the following language is to be added to **all** employee discipline letters: “Pursuant to Iowa Code section 22.7(11)(a)(5) and 22.15, this document may become a public record.”

For your reference, the pertinent sections of House File 291 are listed below:

Section 50

Sec. 50. Section 22.7, subsection 11, paragraph a, subparagraph (5), Code 2017, is amended to read as follows: (5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For purposes of this subparagraph, “demoted” and “demotion” mean a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.

Section 52

Sec. 52. NEW SECTION. 22.15 Personnel records — discipline — employee notification. A government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph “a”, subparagraph (5), being placed in the employee’s personnel record, prior to taking such disciplinary action, shall

notify the employee in writing that the information placed in the employee's personnel file as a result of the disciplinary action may become a public record.

At this time, UHR and OUC are working on a sample letter for acceptance of resignation in lieu of discharge, and an update to the employee records policy.

Who to Contact: If you have questions or concerns about this topic or have a specific situation you would like to discuss, please be sure to contact Employee Relations/Labor Relations, as well as your HR Liaison. For matters in academic units, be sure to keep the Dean's Office informed.