

Contact: Keith Saunders

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1 – JUNE 30, 2006**

**Action Requested:** Receive the semi-annual claims activity reports for the period of January 1 through June 30, 2006.

**Executive Summary:** The semi-annual claims activity reports are designed to address eight categories of pending claims: (1) lawsuits; (2) tort and contract claims not yet lawsuits; (3) complaints filed with administrative agencies other than workers' compensation claims; (4) workers' compensation claims; (5) internal discrimination complaints/investigations; (6) faculty and P&S grievances and disciplinary measures; (7) internal grievances/claims/investigations of AFSCME-covered staff; and (8) other matters which may be unique to the institution.

The institutions have submitted reports for each category and have prepared executive summaries highlighting significant issues, trends, areas for improvement, and initiatives to address any identified problem areas. The executive summaries submitted by the institutions are attached to this memorandum.

**Office of the Board of Regents, State of Iowa**

**Executive Summary:**

The following table summarizes claims for this reporting period.

<b>Type of Claim Pending</b>	<b>6-05</b>	<b>12/05</b>	<b>6/06</b>
1. Litigation	0	0	0
2. Contract and Tort Claims	0	0	0
3. Administrative Agencies	0	0	0
4. Workers' Compensation	0	0	0
5. Internal Discrimination Complaints	0	0	0
6. Faculty and P&S Grievances and Discipline	0	0	0
7. Merit Grievances	0	0	0

**8. Other**

No claims have been reported.

State University of Iowa

**Executive Summary**

The following table summarizes claims for this reporting period.

<b>Type of Claim Pending</b>	<b>6/05</b>	<b>12/05</b>	<b>6/06</b>
1. Litigation	9	18	21
2. Contract & Tort Claims	29	18	12
3. Administrative Agencies	12	16	20
4. Workers' Compensation	748	886	775
5. Internal EOD Office Complaints	18	20	15
6. Faculty and P & S Grievances and Discipline	1	1	0
7. Merit Grievances and GRIP/Arbitration	6	1	1
8. UIHC Tort Claims	53	58	61
9. UIHC Lawsuits	29	26	33

**1. Litigation**

Developments: Of the twenty-one litigation matters listed, the University and/or the Board of Regents are the plaintiffs in three cases (Aly, Warren and Buntinas). Three other cases involve little or no financial exposure—a construction contract retainage case and two bankruptcy actions where the plaintiffs want educational debts discharged.

Trends and Reasons for Occurrence: There is no significant change from the prior reporting period.

**2. Contract and Tort Claims**

Developments: There was a substantial decrease in these claims from the prior reporting period, primarily because several matters were resolved and relatively few new claims were filed.

Trends and Reasons for Occurrence: No identifiable trend is reflected in this figure. Generally, these filings represent damage to personal property.

**3. Administrative Agencies**

Trends and Reasons for Occurrence: These figures have remained reasonably steady over the past twelve months, and there is no discernible trend.

**4. Workers' Compensation**

Trends and Reasons for Occurrence: The total number of claims is down by approximately thirteen percent, as are the total number of days missed and medical care benefits. However, the average number of days lost per claim is substantially higher when compared with the previous six month period. The number of contested claims during this period is higher than last period (eighteen vs. twelve), but there was only one settled claim compared with three last period, so there is no meaningful comparison to be made.

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence: Complaints have decreased this period by twenty percent, but no significant trend can be identified.

**6. Faculty and P & S Grievances and Discipline**

Trends and Reasons for Occurrence: There are no new cases in this category. The university believes its policies and procedures for handling internal faculty and P & S staff grievances are in part responsible for the lack of grievances in these categories. In addition, the Office of the General Counsel works closely with departments, colleges and other units to address faculty and staff concerns as early as possible when they surface.

As of December 31, 2005, there were no grievances pending by faculty or P & S staff at the University of Iowa, and none were filed through June 30, 2006.

**7. Merit Grievances and GRIP/Arbitration**

Trends and Reasons for Occurrence: The limited number of GRIP and arbitration cases make it difficult to identify any reportable trends.

**8. UIHC Tort Claims**

Developments: Included are forty-one tort claims that were denied, settled or withdrawn during the reporting period and will be deleted from the next report. Of this total, eleven tort claims were denied and have now been filed as lawsuits (also included in the "Litigation" section of this report. Fourteen new tort claims were filed during this period. There are twenty pending tort claims as of June 30, 2006.

Trends and Reasons for Occurrence: The number of pending claims in this period is consistent with the previous six month period. There are no clear trends indicated from these numbers.

**9. UIHC Lawsuits**

Developments: For this reporting period, four lawsuits were dismissed, settled or otherwise adjudicated, and nine new lawsuits were filed. There are 29 pending lawsuits as of this report date.

Trends and Reasons for Occurrence: The numbers do not indicate any identifiable trends.

Iowa State University

**Executive Summary:**

The following table summarizes claims for this reporting period.

Type of Claim Pending	06/05	12/05	6/06
1. Litigation*	8	14	14
2. Contract and Tort Claims	49	22	19
3. Administrative Agencies	8	7	6
4. Workers' Compensation	221	275	239
5. Internal Discrimination Complaints	0	1	4
6. Faculty and P&S Grievances and Discipline	12	9	10
7. Merit Grievances	7	17	19

\*Not listed on the Pending Lawsuits list (#1) is claim by Abir Qamhiyah alleging discrimination in the review leading to tenure denial. Although the case was filed with the courts in the reporting period, service had not yet been completed by June 30.

For this reporting period, the number of reported claims has remained substantially the same. There has been a significant reduction in claims and lost time in the Workers' Compensation area. The increase in internal discrimination complaints is not significant, as these claims were relatively minor.

Overall, tenure denials are a notable source of conflict under the headings of litigation, faculty grievances and discrimination complaints. To address this, the Office of the Provost is involved in a continuing effort to make the University's tenure policies and practices more effective through both training of departmental administrators and an examination of changes to relevant policies.

**1. Litigation**

Developments: The McElroy (sexual harassment), Gross (discrimination/tenure denial) and Moore (personal injury) cases were settled in this reporting period. The University received favorable decisions in two minor cases (Hinton and Reilly). Trials of the Hagen (discrimination) and Dowd (personal injury) cases are set for trial in August, 2006.

Trends and Reasons for Occurrence: The number of pending cases has remained constant, but should drop with the resolution of five cases in the last six months.

**2. Torts and Contract Claims**

Trends and Reasons for Occurrence: The number of tort and contract claims dropped from twenty-two to nineteen. There is no discernible trend to the new claims.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence: The number of pending claims dropped from seven to six. Three of these cases were closed during the last six months.

**4. Workers' Compensation Claims**

Trends and Reasons for Occurrence: There was overall improvement in the number of workers' compensation claims, missed days, and total dollar value of approved claims.

**5. Internal Discrimination**

Trends and Reasons for Occurrence: The number of internal complaints increased; however, the four pending claims were minor in nature, and all were closed.

**6. Faculty and P&S Grievances and Disciplinary Cases**

Trends and Reasons for Occurrence: The University continues to have a number of active faculty grievance and discipline cases. Two of the discipline cases are related in that they involved the same parties. The predominant issue among the grievance cases is tenure denial. Two disciplinary cases have now been appealed to the Board. There were no Professional and Scientific cases.

**7. Internal Grievances/Claims, Investigations of Merit Employees**

Trends and Reasons for Occurrence: The number of merit grievances has increased by two. Factors such as additional layoffs, more demands on fewer employees, and multiple filings by employees are thought to be responsible for the increase of claims. This number is expected to drop as a large number of these grievances reached completion in this reporting period.

**8. Other**

No claims have been reported.

University of Northern Iowa

**Executive Summary:**

The following table summarizes claims for this reporting period.

Type of Claim Pending	6/05	12/05	6/06
1. Litigation	3	6	9
2. Tort and Contract Claims	11	3	14
3. With Administrative Agencies	4	6	8
4. Workers' Compensation	85	105	90
5. Internal Discrimination Complaints	3	2	5
6. Faculty and P&S Grievances	0	1	1
7. Merit Grievances	1	2	7
8. Other	1	1	1

**1. Litigation**

Developments: One case from last period was settled and four new litigation cases were initiated in this reporting period. Of the four new cases, three were previously filed as tort claims and were either denied or withdrawn as part of that administrative process. The other new case in litigation is a previously filed claim by a subcontractor relating to a construction project. The five previously listed (and still current) cases are in various stages of the litigation process.

Trends and Reasons for Occurrence: The total number of cases outstanding at the end of the period increased from six to nine. The outstanding cases involve different aspects and issues relating to the University. There are no apparent trends evident in these cases.

**2. Tort and Contract Claims**

Developments: Of the claims which were reported for the period ending December 31, 2005, one claim was settled and the rest were denied by the State or withdrawn by the claimant. As noted in the Litigation section above, the claimants for the denied or withdrawn claims filed those claims in court. During the six months ending June 30, 2006, fourteen new tort claims relating to the University were filed. Of these fourteen, five were resolved and paid; six related to one incident; two were recently denied by the State Appeal Board; and one was recently received and is under investigation.

Trends and Reasons for Occurrence: The number of tort and contract claims outstanding at the end of the period increased. There were more claims filed during the six month period ending June 30, 2006, than the University usually receives. Part of the reason for this increased number is that six of the claims related to one incident. In any event, this increase in the number of claims is something that will be closely monitored. Apart from the increase in the number of claims during this one six month period, there do not appear to be any significant trends evident in these claims.

**3. Complaints filed with Administrative Agencies**

Developments: Three of the complaints filed with administrative agencies were closed as of June 30, 2006. The other five complaints filed with administrative agencies remain open to some degree. Many of the complaints filed with administrative agencies are cross filed with the Iowa Civil Rights Commission (ICRC) and Equal Employment Opportunity Commission (EEOC). All open complaints were cross filed with ICRC and EEOC. The ICRC closed these complaints, but they are still administratively open with the EEOC.

Trends and Reasons for Occurrence: The number of complaints filed with administrative agencies (other than workers' compensation claims) that were processed during the period increased slightly, from six to eight. Three of the complaints were filed by one employee. No significant University issues or trends appear to be reflected by the complaints filed with administrative agencies.

#### **4. Workers' Compensation Claims**

Developments: There was a decrease in the number of workers' compensation claims as compared to the prior six month period. The number of claims with missed time decreased this period; however, the total number of missed days increased and, correspondingly, the number of missed days per claim increased. The total dollar expenditure for weekly lost time benefits was similar this period in comparison to the last six month period. The total dollar expenditure for medical care was lower this period in comparison to the prior reporting period.

Trends and Reasons for Occurrence: The numbers do not indicate any identifiable trends.

#### **5. Internal Discrimination Complaints/Investigations**

Developments: The five cases include two cases which were initiated during the prior six month period and were closed in the current reporting period. The other three cases were filed during the current period, and one of those cases has been closed. The remaining two cases are still in process. There were no findings of discrimination in the cases which were closed during the period.

Trends and Reasons for Occurrence: The number of discrimination complaints filed internally, within the University, and outstanding at the end of the period remained the same, two. Based on the number and substance of the complaints, no significant trends are evident.

#### **6. Faculty and P&S Grievances and Disciplinary Cases**

Developments: The faculty grievance filed during the prior period was settled. During the current six month period, one P&S grievance was filed and is in process.

Trends and Reasons for Occurrence: The number of faculty and P&S grievances outstanding at the end of the period remained constant, one. No significant trends are evident in this area.

#### **7. Internal Grievances/Claims/Investigations of Merit Employees**

Developments: The number of Merit employee grievances increased from two to seven for this reporting period. No similar issues are reflected by the seven grievances.

Trends and Reasons for Occurrence: The numbers do not indicate any identifiable trends.

#### **8. Other**

Developments: This category includes one case involving the question of safety equipment for University police officers. In August 2005, the District Court ordered the dismissal of the petition for judicial review and affirmed the decision of the Iowa Occupational Safety and Health Administration. The petitioner appealed this order of the District Court.

Trends and Reasons for Occurrence: The numbers do not indicate any identifiable trends.

Iowa Braille and Sight Saving School

**Executive Summary:**

The following table summarizes claims for this reporting period.

Type of Claim Pending	6/05	12/05	6/06
1. Litigation	0	0	0
2. Contract and Tort Claims	0	0	0
3. Administrative Agencies	0	0	0
4. Workers' Compensation	15	10	17
5. Internal Discrimination Complaints	0	0	0
6. Faculty and P&S Grievances and Discipline	0	0	0
7. Merit Grievances	0	0	0

**4. Worker's Compensation Claims**

Developments: The Iowa Braille School experienced seventeen new workers' compensation claims during the most recent reporting period. Of the seventeen claims, four incurred lost time. The total dollars for medical care was reduced from \$67,878 to \$5,684 and the average medical amount per claim dropped from \$6,788 to \$334.

In all cases that resulted in lost time, the Iowa Braille School actively sought to accommodate restrictions allowing for light duty assignments ensuring a more rapid return to work.

Trends and Reasons for Occurrence: Generally, the Iowa Braille School will have workers' compensation claims that do not incur medical expenses or result in lost time, as employees are well trained to report in writing all incidents that may result in injury to a student and to report in writing all incidents that may result in injury to the employee.

During this time period, as the study for services to children who are blind or visually impaired continued, stress and job uncertainty may have contributed to a higher number of reported injuries.

**8. Other**

No claims have been reported.

Iowa School for the Deaf

**Executive Summary:**

The following table summarizes claims for this reporting period.

<b>Type of Claim Pending</b>	<b>6/05</b>	<b>12/05</b>	<b>6/06</b>
1. Litigation	0	0	0
2. Contract and Tort Claims	0	0	0
3. Administrative Agencies	0	0	0
4. Workers' Compensation	8	5	8
5. Internal Discrimination Complaints	0	0	0
6. Faculty and P&S Grievances and Discipline	0	0	0
7. Merit Grievances	2	0	0

**4. Worker's Compensation Claims**

Developments: ISD had eight workers' compensation claims in this current reporting period. Only one claim resulted in time missed from work. Workers' compensation claims continue to be low at Iowa School for the Deaf. Contested claims are rare at ISD. The three open claims from the last reporting period were closed with the settlement of one of those claims and the other two being withdrawn.

**8. Other**

No claims have been reported.