

Contact: Susan Anderson

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1 – DECEMBER 31, 2006

Action Requested: Receive the semi-annual claims activity reports for the period of July 1 through December 31, 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 Professional & Scientific (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 and Board of Regents Office 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.

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

1. Litigation

On December 21, 2006, the Iowa City Press-Citizen filed a petition seeking enforcement of the open meetings law in Polk County District Court.

8. Other

No claims have been reported.

University of Iowa

Executive Summary:

The University of Iowa figures for the period of July 1 through December 31, 2006, have been added below.

Type of Claim Pending	6/05	12/05	6/06	12/06
1. Litigation	9	18	21	21
2. Contract & Tort Claims	29	18	12	12
3. Administrative Agencies	12	16	20	16
4. Workers' Compensation	748	886	775	770
5. Internal EOD Office Complaints	18	20	15	17
6. Faculty and P & S Grievances and Discipline	1	1	0	2
7. Merit Grievances and GRIP/Arbitration	6	1	1	5
8. UIHC Tort Claims	53	58	61	21*
9. UIHC Lawsuits	29	26	33	27

*In the previous six-month report (January 1 – June 30, 2006), it was noted that 41 tort claims had been closed, denied or settled, and would be removed from the current reporting period figures.

1. Litigation

Developments. Of the active litigation matters listed, two are ones in which the UI and/or the Board of Regents are the plaintiffs. Two other cases involve little or no financial exposure—a construction retainage case and one bankruptcy action where the plaintiff wants educational debts discharged.

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

2. Contract and Tort Claims.

Trends and Reasons for Occurrence. There are an identical number of tort claims as in the prior period. There are no discernible trends.

3. Administrative Agencies

Trends and Reasons for Occurrence. Administrative agency claims have decreased approximately 20% in the past six months. We find no discernible trend.

4. Workers' Compensation

Trends and Reasons for Occurrence. It appears that the number of claims are stable, but with a higher average number of missed days and higher costs. The number of contested claims during this period is slightly higher than last period (23 v. 18), and the number of settled claims is the same.

5. Internal Discrimination Complaints

Trends and Reasons for Occurrence. Complaints have remained approximately the same during this period. No significant trend can be identified.

6. Faculty and P & S Grievances

Trends and Reasons for Occurrence. There are two faculty grievances in this reporting period compared with none last period. There are no P & S grievance matters to report.

7. Merit Grievances and GRIP/Arbitration

Trends and Reasons for Occurrence. There are 5 current arbitration cases; we can identify no discernible trend.

8. UIHC Tort Claims*

Trends and Reasons for Occurrence. This report includes a listing of all tort claims that were pending at any one time during the period of July – December, 2006. During this period, seventeen tort claims were denied, settled or withdrawn and will be deleted from the next report. Six of the seventeen tort claims have now been filed as lawsuits (and are also listed in that section of the report). Eight new tort claims were filed during this period. As of December 31, 2006, there are 21 pending tort claims.

9. UIHC Lawsuits

Trends and Reasons for Occurrence.

This report also includes a listing of all lawsuits that were pending at any one time during the period of July – December, 2006. Nine lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Seven new lawsuits were filed during the period. As of December 31, 2006, there are 27 pending lawsuits.

Iowa State University

Executive Summary:

Since the report for the first half of 2006, the number of reported claims has declined in all categories except in the area of worker's compensation. There was a significant drop in merit grievances. The following table summarizes case numbers since June of 2006.

Type of Claim Pending	06/05	12/05	06/06	12/06
1. Litigation	8	14	14	13
2. Contract and Tort Claims	49	22	19	14
3. Administrative Agencies	8	7	6	6
4. Workers' Compensation	221	275	239	272
5. Internal Discrimination Complaints	0	1	4	2
6. Faculty and P&S Grievances and Discipline	12	9	10	9
7. Merit Grievances	7	17	19	7

There has been greater effort to resolve claims voluntarily. Several employment-related disputes were resolved prior to filing of claims. In addition, two faculty discipline cases were resolved by mediation immediately after filing.

1. Litigation

Developments. The number of cases pending remains approximately level.

Trials of a discrimination case and a case involving a fall on a stairway were continued from August 2006, to January 2007. In early January, the discrimination case was dismissed on procedural grounds, cancelling the trial. In January, the personal injury case was mediated and settled. The Hinders civil trial (false billing on construction) originally set for January 17, 2007, has been dismissed because the related criminal trial resulted in conviction for first-degree theft, on December 1, 2006. It is anticipated that the criminal disposition will result in full recovery of amounts overpaid. Four additional cases are set for trial before the end of June 2007.

Three cases were added: one for discrimination in the non-renewal of a contract, one involving employee benefits and one involving challenge to disciplinary action.

Trends and Reasons for Occurrence. The number of pending cases has remained constant. All new cases involve employment-related matters.

2. Torts and Contract Claims

Trends and Reasons for Occurrence. The number of tort claims has continued to drop over the last two reports. We now have 14 pending. No contract claims are pending.

3. Complaints filed with Administrative Agencies

Trends and Reasons for Occurrence. The number of pending claims remained the same. Two cases were closed during the last six months, and three were opened.

4. Worker's Compensation Claims

Trends and Reasons for Occurrence. The number of worker's compensation claims filed continues to fluctuate. The results were mixed: while the number of cases and costs increased, the number of claims with missed time and amount of missed time declined.

5. Internal Discrimination

Trends and Reasons for Occurrence. The two pending internal discrimination complaints involved the Family Medical Leave Act and disability discrimination. While it is unusual not to have any internal claims of sex, racial or ethnic discrimination pending, it is not clear that any trend is emerging.

6. Faculty and P&S Grievances and Disciplinary Cases

Trends and Reasons for Occurrence. There were four faculty grievances, four faculty disciplinary matters and one P&S grievance.

The four faculty grievances involved non-renewal in the third year or tenure denial. Two of the disciplinary cases were upheld by the Regents since the last report. The remaining two faculty disciplinary cases were resolved by formal mediation shortly after filing.

7. Internal Grievances/Claims, Investigations of Merit Employees

Trends and Reasons for Occurrence. The number of merit grievances has dropped from 19 to 7. As budget conditions have eased, the increase of layoff cases evident in the last two reports has now been addressed. The pending cases involve discipline, seniority, transfer and workplace conflict.

8. Other

No claims have been reported.

University of Northern Iowa

Executive Summary:

The following table summarizes claims for this reporting period.

2005 numbers revised

Type of Claim Pending	06/05	12/05	6/06	12/06
1. Litigation	3	6	9	10
2. Tort and Contract Claims	11	3	14	10
3. With Administrative Agencies	4	6	8	6
4. Workers' Compensation	85	105	90	75
5. Internal Discrimination Complaints	3	2	5	5
6. Faculty and P&S Grievances and Discipline	0	1	1	1
7. Merit Grievances	1	2	7	8
8. Other	1	1	1	1

As can be seen above, in general, the number of cases, claims, complaints, and grievances has been fairly constant or has decreased. The sections which follow provide additional information relating to these types of claims.

1. Litigation

Developments. Two cases from the last six-month period were settled during this period and one new case was initiated. The new litigation relates to three separate complaints that were previously filed with administrative agencies (other than workers' compensation claims); those complaints were closed by the administrative agencies and right-to-sue letters were issued. The other remaining cases that are listed and outstanding are in various stages of the litigation process. One case was decided immediately after the end of the reporting period, in the University's favor, on January 5, 2007.

Trends and Reasons for Occurrence. The total number of cases outstanding at the end of the period stayed fairly constant in comparison to the prior period. There are no apparent trends evident in these cases.

2. Tort and Contract Claims

Developments. Of the seven claims that were reported and outstanding at June 30, 2006, one claim was settled and the rest were denied by the State. Three new tort claims were filed. Compared to prior periods, this is a relatively small number. Of the three claims, one is relatively large and one was paid and settled prior to the end of the year. The two claims which were outstanding at the end of the period are under investigation.

Trends and Reasons for Occurrence. The number of tort and contract claims outstanding at the end of the period decreased. There were fewer claims filed during the six-month period ending June 30, 2006, than recent periods. This is a positive reflection on the University, but at this point, there are no apparent significant trends.

3. Complaints filed with Administrative Agencies

Developments. Five out of the six complaints filed with administrative agencies were closed as of December 31, 2006. Many of the complaints are cross-filed with the Iowa Civil Rights Commission (ICRC) and Equal Employment Opportunity Commission (EEOC); those agencies deal with each of their cases/complaints on a different time schedule. As noted in the Litigation section above, one employee's complaint which was closed by the administrative agencies was subsequently filed in court.

Trends and Reasons for Occurrence. The number of complaints filed with administrative agencies (other than workers' compensation claims) that were processed during the period decreased slightly, from eight to six. At the end of the period, only one complaint filed with administrative agencies was outstanding. This is a positive reflection on the University. However, at this time, since this is data for only one six-month period, no significant University issues or trends are necessarily evident by the number or types of 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 increased from three to four this period; the total number of missed days increased, but the number of missed days per claim decreased. The total dollar expenditure for weekly lost time benefits decreased slightly 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 six-month period.

Trends and Reasons for Occurrence. Many of the workers' compensation claim figures have decreased or been reduced the last two six-month periods. This is a good reflection on the University; these figures will continue to be observed to see if there is a trend.

5. Internal Discrimination Complaints/Investigations

Developments. Five cases are reflected in this category of the report. This is the same number as last period. Only one case was outstanding at the end of the period.

Trends and Reasons for Occurrence. 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 P&S grievance filed during the prior period was settled during the period ending December 31, 2006. No additional grievances were filed during the period.

Trends and Reasons for Occurrence. The number of faculty and P&S grievances outstanding at the end of the period was zero, a decrease from the prior period. Given the small number of grievances usually in this category at UNI, there are no apparent trends evident in this area.

7. Internal Grievances/Claims/Investigations of Merit Employees

Developments. The number of Merit employee grievances increased slightly from seven to eight. No common issues seem to be reflected by the eight grievances.

Trends and Reasons for Occurrence. At this time, these grievances do not reflect any apparent 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; on December 13, 2006, the Iowa Court of Appeals issued its decision agreeing with the District Court.

Trends and Reasons for Occurrence. No trends are evident by this claim.

Iowa Braille and Sight Saving School

Executive Summary:

During this reporting period, fewer claims were filed in the area of workers' compensation. Two merit grievances were filed; the first in many years. The rest of the categories continue to have "none" as the reported number of claims from the Iowa Braille School. The following table summarizes claim numbers for this reporting period as compared to previous reporting periods.

Type of Claim Pending	6/05	12/05	6/06	12/06
1. Litigation	0	0	0	0
2. Contract and Tort Claims	0	0	0	0
3. Administrative Agencies	0	0	0	0
4. Workers' Compensation	15	10	17	8
5. Internal Discrimination Complaints	0	0	0	0
6. Faculty and P&S Grievances and Discipline	0	0	0	0
7. Merit Grievances	0	0	0	2

4. Worker's Compensation Claims

Developments. The Iowa Braille School experienced eight workers' compensation claims during the most recent reporting period. Of the eight claims, only one incurred lost time. The total dollars for medical care was reduced from \$5,683.76 in June of '06 to \$4,105.05. The average medical amount per claim increased from \$334.39 to \$513.13.

The Iowa Braille School continues to actively seek to accommodate restrictions allowing for light duty assignments ensuring a more rapid return to work.

Trends and Reasons for Occurrence. We are pleased to report the number of claims was cut in half during this period and only one included days missed from work. 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.

7. Merit Grievances

Developments and Reasons for Occurrence. The Iowa Braille School received two merit grievances during this reporting period, both from the same employee who had just experienced a reduction in hours in association with the August layoffs. These two grievances are the first grievances in more than ten years. Both were resolved quickly.

8. Other

No claims have been reported.

Iowa School for the Deaf

Executive Summary:

Since our last report in June, the number of reported claims has changed only slightly. The following table summarizes claims for this reporting period as compared to previous reporting periods.

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

Most of the categories continue to have "none" as the reported claims from Iowa School for the Deaf. Comments regarding the other categories are below.

4. Workers' Compensation Claims

Developments. ISD had seven workers compensation claims during July – December 2006. None of these claims resulted in time off work. Workers' compensation claims continue to be low at Iowa School for the Deaf.

8. Other

No claims have been reported.