

Contact: Susan Anderson

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1 – DECEMBER 31, 2005**

**Action Requested:** Receive the semi-annual claims activity reports for the period of July 1 through December 31, 2005.

**Executive Summary:** In May 2004, the Audit and Compliance Committee directed the Board Office to obtain reports of claims activity at the five institutions and consolidate the reports for semi-annual review by the Committee. The first report covering the period of July 1 through December 31, 2004, was presented in February 2005. At that time, the Committee requested an additional report for semi-annual claims activity for the Board Office.

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

8. **Other**  
No claims have been reported.

State University of Iowa

**Executive Summary**

Claims for the period of June 30 through December 31, 2005, are summarized below.

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

**1. Litigation**

Developments. Of the eighteen litigation matters listed, four are ones in which UI and/or the Board of Regents are the plaintiffs, and two have been resolved in UI's favor (Herbarium and Johnson). Two others should have been reported in the earlier period and three other cases involve little or no financial exposure—a construction 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 previous reporting period.

**2. Contract and Tort Claims**

Developments. This figure shows a substantial decrease from the prior period.

Trends and Reasons for Occurrence. No identifiable trend is reflected in this figure. For the most part, the filings represent damage to personal property.

**3. Administrative Agencies**

Trends and Reasons for Occurrence. These figures have remained reasonably steady over the past 12 months, and we find no discernible trend.

**4. Workers' Compensation**

Trends and Reasons for Occurrence. While the total number of claims is up by approximately 15%—a reflection of more accurate data and efficient reporting—the total number of days missed and average lost time and medical care benefits are actually down from the previous six-month period. The number of contested claims during this period was about the same as last period, but the average settlement amount was up significantly (\$57,000 vs. \$30,000).

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence. There has been no significant change in these numbers.

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

Trends and Reasons for Occurrence. There are no new cases in this category. We believe our 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 General Counsel works closely with departments, colleges and other units to address faculty and staff concerns as early as possible when they surface.

In the one reported claim, the University filed an ethics complaint against a faculty member. As of 12/31/05, there were no pending grievances by faculty or P & S staff.

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

Trends and Reasons for Occurrence. There are so few GRIP and arbitration cases that there are no identifiable trends to report.

**8. UIHC Tort Claims**

Developments. Included here are six tort claims that were denied, settled or withdrawn during the period and will be deleted from the next report. Six tort claims were denied and have now been filed as lawsuits (and are also listed in that section of the report). Fourteen new tort claims were filed during this period.

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. Of this figure, six lawsuits were dismissed, settled or otherwise adjudicated during the period, and six new lawsuits were filed.

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

**Iowa State University**

**Executive Summary:**

Since our last report for the first half of 2005, the number of reported claims has dropped in some areas and increased in others. The following table summarizes claims since December of 2004.

<u>Type of Claim Pending</u>	<u>12-04</u>	<u>06-05</u>	<u>12-05</u>
1. Litigation	9	8	14
2. Contract and Tort Claims	26	49	22
3. Administrative Agencies	9	8	7
4. Workers' Compensation	262	221	275
5. Internal Discrimination Complaints	4	0	1
6. Faculty and P&S Grievances and Discipline	14	12	9
7. Merit Grievances	6	7	17

In other developments, President Geoffroy has authorized creation of an Ombuds Office to help address employee complaints at the earliest stage. In addition to addressing specific disputes, our hope is that the office will help us improve policies which generate conflicts. The office should be open for Fall semester, 2006.

**1. Litigation**

Developments.

- The Gannon public records suit has now been dismissed by stipulated order. ISU and the ISU Foundation agreed to publish guidelines on accessing Foundation records. The balance of attorney fees were paid upon dismissal.
- In the Spring of 2004, we dismissed a tenured faculty member for sexual harassment. Two graduate students who alleged harassment have filed suit.
- A former member of the faculty has filed a petition for judicial review for denial of tenure.
- An accident involving a golf cart at a football game has resulted in a personal injury suit by members of the family.

Trends and Reasons for Occurrence. The number of cases increased from 8 to 14. Three of the reported are, or shortly will be, resolved. We currently have an unusually high number of personal injury and property damage cases. Attempts to resolve four significant cases in the tort claims process were not successful because of the specific circumstances of these cases.

**2. Torts and Contract Claims**

Trends and Reasons for Occurrence. The number of tort and contract claims dropped from 49 to 22 as we resolved cases resulting from pipe breakage in residence halls.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence. The number of pending claims dropped from 8 to 7. However, we expect this number to increase, because the Iowa Civil Rights Commission now rarely finds no probable cause, and therefore retains a higher number of cases for investigation. Of the cases set for investigation, no activity is evident.

**4. Workers' Compensation Claims**

Trends and Reasons for Occurrence. Overall the data fall within expected variation. The increase in the overall number of claims is something we will watch. While the number of claims with missed time has decreased, the increases in number of average missed days and amounts paid per claim suggest the injuries were more severe.

**5. Internal Discrimination**

Trends and Reasons for Occurrence. The number of internal complaints remains very low.

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

Trends and Reasons for Occurrence. The total number of cases continues to drop. There have been no new Faculty Conduct cases, and all of the pending cases are at or nearing resolution. There was one dismissal hearing for a Professional and Scientific employee. She accepted the finding and did not appeal the decision.

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

Trends and Reasons for Occurrence. The number of merit grievances has increased. We also see a trend toward single employees filing multiple grievances.

**8. Other**

No claims have been reported.

University of Northern Iowa

**Executive Summary:**

Since the previous reporting period, the number and type of reported cases, claims, complaints, and grievances at the University of Northern Iowa reveal no obvious trends. There was an increase in the number of cases in litigation; at the same time, there was a similar and somewhat corresponding decrease in the number of tort claims involving the University. The following table summarizes and compares the number of outstanding cases, claims, complaints, and grievances from the June 2005 and December 2005 reports.

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

**1. Litigation**

Developments. In November 2005, the Polk County District Court denied AFSCME's application to vacate the arbitration award in the Cohen case involving student employees. AFSCME has filed an appeal. Three different and separate lawsuits involving the University were filed during the July-December 2005 time period that were previously filed as tort claims. One of these lawsuits is pending finalization of settlement.

Trends and Reasons for Occurrence. The total number of cases outstanding at the end of the period increased from three to six. The increase was caused by the withdrawal or denial of three tort claims, which were subsequently filed in court as lawsuits. At this time, based on the limited time period of comparison and the divergent issues involved in the cases, no trends are evident.

**2. Tort and Contract Claims**

Developments. During the six-month period ending December 31, 2005, the University was informed by the Attorney General's Office that one claim was denied and three tort claims had been filed as lawsuits. The one prior contract claim had apparently been resolved without further involvement by the University, while a new contract claim was filed in August.

Trends and Reasons for Occurrence. The number of tort and contract claims outstanding at the end of the period decreased from eleven to three. Six of the eleven prior claims related to one specific accident, which basically caused the increased number of claims during the prior period. As a result, there do not appear to be any significant trends evident in these claims.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence. The number of complaints filed with administrative agencies (other than workers' compensation claims) that were outstanding at the end of the period increased slightly, from four to six. Three of the complaints in this part of the report have been 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**

Trends and Reasons for Occurrence. There was an increase in the number of workers' compensation claims, but a decrease in the corresponding cost(s). There were 85 claims during the time period ending June 30, 2005, which increased to 105 for the six months ending December 2005. The number of claims with missed time for those periods increased from seven (for the six months ending June 30, 2005) to ten (for the six months ending December 31, 2005). However, in comparing the two time periods, the number of missed days decreased from 416 to 53; the total weekly lost time benefits decreased from \$20,553 to \$3,466; and the total dollar value of approved claims decreased from \$46,826 to \$36,713. The average medical benefit cost per case stayed fairly constant, from a \$316.55 average per case for the June 30 time period, to \$319.69 average for the December 31 time period. There are no apparent trends reflected by these numbers.

**5. Internal Discrimination Complaints/Investigations**

Trends and Reasons for Occurrence. The number of discrimination complaints filed internally and outstanding at the end of the period decreased from three to two. No significant trends are evident based on the number or substance of the complaints.

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

Trends and Reasons for Occurrence. The number of faculty and P&S grievances outstanding at the end of the period increased from zero to one. The one grievance that was filed during the period and that was outstanding at December 31 is pending resolution and settlement. There are no apparent trends evident by this grievance.

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

Trends and Reasons for Occurrence. The number of internal grievances/claims of Merit employees outstanding at the end of the period increased by one, from one to two. 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, the District Court issued an order, dismissing the petition for judicial review and affirming the decision of the Iowa Occupational Safety and Health Administration. The order of the District Court was appealed by the petitioner.

Trends and Reasons for Occurrence. The number of "other" claims outstanding at the end of the period remained the same, one. The same claim is outstanding. No significant trends are evident by this claim.

Iowa Braille and Sight Saving School

**Executive Summary:**

Since the previous reporting period, again, the only claims filed are in the area of workers' compensation. The rest of the categories continue to have "none" as the reported number of claims from the Iowa Braille School. The following table summarizes case numbers from the reports of June 2005 and December 2005.

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

**4. Workers' Compensation Claims**

Developments. The Iowa Braille School experienced five fewer workers' compensation claims than it did during the previous reporting period of July 1, 2005 – December 31, 2005. Of the ten claims, only one incurred medical costs and lost time. The one resulting in medical costs and lost time was the result of a car accident that was caused by the negligence of a third party. The Iowa Braille School has not had a work-related serious car accident for more than a decade.

Trends and Reasons for Occurrence. Regarding the number of total claims, generally the Iowa Braille School has experienced workers' compensation claims that do not incur medical expenses or result in lost time. This is because employees are required to report all incidents that may result in injury to students or employees.

The car accident occurred in October of 2005. The employee has returned to work half-days and is anticipated to return to full duty.

**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 slightly. The following table summarizes case numbers from the last report in June 2005.

<u>Type of Claim Pending</u>	<u>6-05</u>	<u>12-05</u>
1. Litigation	0	0
2. Contract and Tort Claims	0	0
3. Administrative Agencies	0	0
4. Workers' Compensation	8	5
5. Internal Discrimination Complaints	0	0
6. Faculty and P&S Grievances and Discipline	0	0
7. Merit Grievances	2	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 five workers' compensation claims during July – December 2005. None of the injuries occurring during these six months caused any time missed from work. There are three contested workers' compensation claims. All three of these claims involve one employee. These three claims are the same contested claims reported six months ago.

Trends and Reasons for Occurrence. 2005 has been a slightly below average year for workers' compensation claims. Occurrences of workplace injuries are so few that trend analysis is difficult to conduct. Injuries as a result of slip-and-falls on ice/snow and injuries as the result of student behaviors are the most common injuries sustained at Iowa School for the Deaf. Three of the injuries that occurred during July – December 2005 were within these categories.

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

Trends and Reasons for Occurrence. During July - December 2005, Iowa School for the Deaf had no internal grievances related to the AFSCME employee group. Historically, the number of grievances seems to go through cycles, sometimes having extended periods of no grievances and then having a period of several.

**8. Other**

No claims have been reported.