

Contact: Keith Saunders

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1 – JUNE 30, 2007

Action Requested: Receive the semi-annual claims activity reports for the period of January 1 through June 30, 2007.

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 the Board 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	6/07
1. Litigation	0	0	0	1	3
2. Contract and Tort Claims	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0
4. Workers' Compensation	0	0	0	0	0
5. Internal Discrimination	0	0	0	0	0
6. Faculty and P&S	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0

1. Litigation

Two new lawsuits were filed against the Board in this reporting period. The first involves an injunction filed by the Iowa Student Loan Liquidity Corporation to prevent the Board of Regents from releasing certain documents requested by the Des Moines Register pursuant to a Freedom of Information request. The second seeks enforcement of Iowa's open meeting law in regards to various meetings held by the University of Iowa Presidential Search Committee.

The lawsuit initiated in the last reporting period involving the Iowa City Press Citizen is still ongoing.

8. Other

No other claims have been reported.

University of Iowa

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the University of Iowa for the January 1 through June 30, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07
1. Litigation	9	18	21	21	30
2. Contract & Tort Claims	29	18	12	12	6
3. Administrative Agencies	12	16	20	16	15
4. Workers' Compensation	748	886	775	770	796
5. Internal EOD Office Complaints	18	20	15	17	9
6. Faculty and P & S Grievances & Discipline	1	1	0	2	2
7. Merit Grievances and GRIP/Arbitration	6	1	1	5	3
8. UIHC Tort Claims	53	58	61	21	25*
9. UIHC Lawsuits	29	26	33	27	33

*In the previous six-month report (July 1 – December 31, 2006), it was noted that 17 tort claims had been closed, denied or settled, and would be removed from the current reporting period figures.

1. Litigation

Developments:

Of the thirty active litigation matters listed in the last six months, two are cases in which the University of Iowa and/or the Board of Regents are the plaintiffs. Four other cases involve little or no financial exposure—three construction retainage cases and one bankruptcy action where the plaintiff wanted educational debts discharged. Two matters were settled during this period.

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:

Contract and tort claims in this period have been reduced and the University of Iowa has been unable to discern a specific cause.

3. Administrative Agencies

Trends and Reasons for Occurrence:

There are no significant changes in the number of administrative agency claims in the past six months. Two of the matters that were closed are now in litigation.

4. Workers' Compensation

Trends and Reasons for Occurrence:

The number of claims are slightly higher, and average number of missed days are fewer. Total costs for medical care are slightly lower during this period. The number of contested claims during this period is nearly the same as last period (26 v. 23), and the number of settled claims is twice the last reported figure (6 v. 3). The average cost of settled claims is lower. No significant trends can be identified.

5. Internal Discrimination Complaints

Trends and Reasons for Occurrence:

Complaints are reduced from the last reporting period. No significant trend can be identified.

6. Faculty and P & S Grievances

Trends and Reasons for Occurrence:

Two faculty grievances previously reported remain in this period. There are no P & S grievance matters to report.

7. Merit Grievances and GRIP/Arbitration

Trends and Reasons for Occurrence:

There are three current arbitration cases. No significant trend can be identified.

8. UIHC Tort Claims¹

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 January - June, 2007. During this period, 12 tort claims were denied, settled or withdrawn, and will be deleted from the next report. Two of the 12 tort claims have now been filed as lawsuits (and are also listed in that section of this report). Eight new tort claims were filed during this period. As of June 30, 2007, there are 13 pending tort claims.

9. UIHC Lawsuits

Trends and Reasons for Occurrence:

This report includes a listing of all lawsuits that were pending at any one time during the period of January - June, 2007. Six lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Five new lawsuits were filed during the period. As of June 30, 2007, there are twenty-eight pending lawsuits.

¹ Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice.

Iowa State University

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to Iowa State University for the January 1 through June 30, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/05	12/05	06/06	12/06	6/07
1. Litigation	8	14	14	13	14
2. Contract and Tort Claims	49	22	19	14	12
3. Administrative Agencies	8	7	6	6	4
4. Workers' Compensation	221	275	239	272	293
5. Internal Discrimination Complaints	0	1	4	2	3
6. Faculty and P&S Grievances & Discipline	12	9	10	9	17
7. Merit Grievances	7	17	19	7	8

Since the report for the second half of 2006, the number of reported claims has declined in some categories (contract and tort and administrative agencies) but increased in others (workers' compensation and faculty and P&S grievances). The most significant change was the increase in numbers of grievance and disciplinary cases among professional staff.

1. Litigation

Developments:

The number of cases pending remains approximately level. Three cases in this reporting period were settled including one case being dismissed on summary judgment. The Hinders construction case was voluntarily dismissed by the parties pending resolution of criminal charges against its owner, Tom Hinders, for fraud and misrepresentation. The court found him guilty and ordered restitution to Iowa State University. The University has filed a civil suit to assure enforcement of the criminal restitution order.

2. Torts and Contract Claims

Trends and Reasons for Occurrence:

The number of tort claims has dropped over the last three reports. One contract claim is pending related to termination of a contract.

3. Complaints filed with Administrative Agencies

Trends and Reasons for Occurrence:

The number of pending claims has fallen. Recently, the Iowa Civil Rights Commission has shown more of a willingness to find no probable cause.

4. Workers' Compensation Claims

Trends and Reasons for Occurrence:

The number of workers' compensation claims, missed days and costs all increased this reporting period. The suspected cause for much of the increase was the occurrence of two ice storms this past winter.

5. Internal Discrimination

Trends and Reasons for Occurrence:

The number of internal complaints of discrimination remained small.

6. Faculty and P&S Grievances and Disciplinary Cases

Trends and Reasons for Occurrence:

There was a significant increase in both grievances and disciplinary matters involving professional staff. Continuing in a prior trend, seven faculty cases relate to the tenure and promotion process. New faculty discipline cases have been filed as others have been resolved. Unusual at ISU, we have had two summary dismissals of P&S employees pending since January. In addition, two other cases were resolved prior to formal action. It appears that supervisors are more willing to hold professional employees to conduct and performance standards.

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 leveled as layoff cases have been resolved, and new cases have been resolved within the institution.

8. Other

No claims have been reported.

University of Northern Iowa

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the University of Northern Iowa for the January 1 through June 30, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/05	12/05	6/06	12/06	6/07
1. Litigation	3	6	9	10	9
2. Tort and Contract Claims	11	3	14	10	5
3. With Administrative Agencies	4	6	8	6	5
4. Workers' Compensation	85	105	90	75	73
5. Internal Discrimination Complaints	3	2	5	5	5
6. Faculty & P&S Grievances and Discipline	0	1	1	1	1
7. Merit Grievances	1	2	7	8	6
8. Other	1	1	1	1	0

In general, the number of cases, claims, complaints, and grievances was relatively constant or has decreased slightly. The University of Northern Iowa has not identified any associated trends with these claims.

1. Litigation

Developments:

Notice of one new case was received during the January-June 2007 time period. That case had previously been filed as a tort claim, which was denied by the State in 2006. Two cases were settled during the time period, and one case appears to have been concluded after the Iowa Court of Appeals affirmed the decision of the District Court. The cases that are continuing are in various stages of the litigation process.

Trends and Reasons for Occurrence:

The total number of cases reported for this time period is fairly constant in comparison to the prior period(s). The six continuing cases involve different aspects and issues relating to the University. There are no apparent trends evident in these cases.

2. Tort and Contract Claims

Trends and Reasons for Occurrence:

The University has one tort claim outstanding at the end of the period. A positive situation has developed as there have been fewer claims filed recently. However, given the relatively short time period reflecting this data, no significant trends are evident.

3. Complaints filed with Administrative Agencies

Developments:

During the six month time period, five of the prior reported complaints were closed, and four new complaints were filed.

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 six to five. No significant University issues or trends are necessarily evident by the number or types of complaints in this category.

4. Workers' Compensation Claims

Developments:

The data in the workers' compensation claims category varies in comparison to the prior six-month period. There was a slight decrease in the number of workers' compensation claims and number of missed days; however, the total dollar expenditure for workers' compensation claims increased.

Trends and Reasons for Occurrence:

No long-term trends are evident from the data relating to workers' compensation claims at this time.

5. Internal Discrimination Complaints/Investigations

Developments:

Five cases are reflected in this category of the report. This is the same number as the previous two reporting periods. Three cases were outstanding at the end of the period and they are in process.

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:

One faculty grievance was filed during this reporting period.

Trends and Reasons for Occurrence:

The number of faculty and P&S grievances reflected by this report is one, consistent with prior periods. Prior grievances have varied between either P&S grievances or faculty grievances at the University. There are no apparent trends evident in this area.

7. Internal Grievances/Claims/Investigations of Merit Employees

Developments:

The number of Merit employee grievances decreased slightly from eight to six. No similar issue(s) seem to be reflected by the six grievances.

Trends and Reasons for Occurrence:

These grievances do not seem to reflect any apparent trends.

8. Other

No claims reported.

Iowa Braille and Sight Saving School

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Iowa Braille and Sight Saving School for the January 1 through June 30, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07
1. Litigation	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0
4. Workers' Compensation	15	10	17	8	8
5. Internal Discrimination Complaints	0	0	0	0	0
6. Faculty and P&S Grievances and Discipline	0	0	0	0	0
7. Merit Grievances	0	0	0	2	0

4. Worker's Compensation Claims

Developments:

The Iowa Braille and Sight Saving School experienced eight workers' compensation claims in this current reporting period. Of the eight claims, none incurred lost time. The total dollars for medical care during this period was \$5,168 and the average medical amount per claim increased from \$513 to \$646.

The Iowa Braille and Sight Saving 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:

Generally, the Iowa Braille and Sight Saving School will have workers' compensation claims that do not incur medical expenses or result in lost time, as employees are 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. After reporting the incident there is often no actual injury in terms of medical cost or lost work time.

8. Other

No claims have been reported.

Iowa School for the Deaf

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Iowa School for the Deaf for the January 1 through June 30, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07
1. Litigation	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0
4. Workers' Compensation	8	5	8	7	3
5. Internal Discrimination Complaints	0	0	0	0	0
6. Faculty and P&S Grievances and Discipline	0	0	0	0	0
7. Merit Grievances	2	0	0	0	0

4. Workers' Compensation Claims

Developments:

Iowa School for the Deaf had three workers' compensation claims in this reporting period. 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.