

IOWA STATE UNIVERSITY

AND

**AFSCME/IOWA COUNCIL 61
LOCAL 870**

SETTLEMENT AGREEMENT

Iowa State University (ISU), University Human Resources and ISU Facilities Planning & Management, hereinafter University, and the American Federation of State, County, and Municipal Employees Iowa Council 61/Local 870, hereinafter Union, enter into the following Agreement in full and final resolution of the grievance filed on behalf of Josh Bergeson, hereinafter Grievant, AFSCME No. 117249, alleging a violation of the 2013-2015 Collective Bargaining Agreement between the parties.

This settlement arose out of a situation in which the Grievant received a one day suspension without pay on October 8, 2014. Based on this situation the parties agree to the following:

1. If the Grievant receives no further discipline for the same or similar violations as cited in the one day suspension prior to April 8, 2015, the discipline will be removed from the file and the Grievant will be reimbursed for all back pay and accruals associated with the lost day at the rate he was earning at the time of the one day suspension.
2. In consideration of the foregoing, the Union will withdraw the above referenced grievance.
3. This Agreement is a good faith settlement of all issues identified as part of the grievance. No promises for any other or future consideration have been made by anyone. The above consideration is all that will be received for the Grievant's claims in this grievance.
4. The terms of this settlement agreement are considered by the parties to pertain only to the specific facts involved in this matter. Neither party shall rely on this agreement or cite the same as precedent in any grievance, arbitration, litigation, or other proceeding in the future except in the enforcement of this settlement agreement.
5. This settlement is subject to Executive Order 85 and the terms must be approved by the Executive Director of the Board of Regents and the President of Iowa State University and reviewed by the Attorney General or his designee. This settlement shall become effective once it has received all necessary approvals and review. Once in effect it shall be posted to the Board of Regents website.
6. This settlement agreement is subject to Open Records and is available for public inspection and copying.

Dated this ____ Day of January 2015.

FOR THE UNIVERSITY:

Julie Nuter 5/19/15
Julie Nuter Date
Associate Vice President
University Human Resources

Robert Currie 5/19/15
Robert Currie Date
Director
Facilities Planning & Management

FOR THE UNION:

Adam Swinart 1/20/15
Adam Swinart Date
AFSCME Council 61

Joshua Bergeson 5/12/15
Joshua Bergeson Date
Grievant

Deb Duncan 4/15/15
Deb Duncan Date
President
Local 870

Governing Iowa's public universities and special schools

University of Iowa
Iowa State University
University of Northern Iowa
Iowa School for the Deaf
Iowa Braille and Sight Saving School
Lakeside Laboratory Regents Resource Center
Northwest Iowa Regents Resource Center
Quad-Cities Graduate Center
Southwest Iowa Regents Resource Center



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Executive Order Number Eighty-Five Routing/Review Approval of Personnel Settlement Agreement

Please sign/date where indicated below noting the approval or denial of the attached proposed Personnel Settlement Agreement. **After signing, please return to the attention of BOR – General Counsel. ** If "denied," please return to BOR – General Counsel.

In the matter of: Joshua Bergeson
AFSCME #117249

Institutional Staff: Andrea Little, Manager Employee & Labor Relations, ISU

Office of the Attorney General

Reviewed by (Print Name): Diane Stahle

Reviewer's Signature: *Diane Stahle*

Date: 4/22/2015 11:30 AM Reviewed: Redacted:

Institution: Iowa State University

Institutional Head's Printed Name: Steven Leath

Institutional Head's Signature: *Steven Leath*

Date: 4/24/2015 Approve: Deny:

Board of Regents

Executive Director's Printed Name: Robert Donley

Executive Director's Signature: *Robert Donley*

Date: April 27, 2015 Approve: Deny: