

BOARD OF REGENTS, STATE OF IOWA

AND

AFSCME/IOWA COUNCIL 61

SETTLEMENT

The Board of Regents (BOR), State of Iowa, and Iowa State University (ISU), hereinafter Employer, and the American Federation of State, County, and Municipal Employees (AFSCME) Iowa Council 61, hereinafter Union, enter into the following Settlement in full and final resolution of the grievance filed by Scott Firmhaber, hereinafter Grievant, AFSCME No.'s 121323 and 121324 alleging a violation of Article IV, Section 9 (Discipline and Discharge) of the 2013-15 Collective Bargaining Agreement between the parties.

This agreement arose out of a situation in which the Grievant was suspended and then discharged for violation of ISU Policy. Based on this situation, the parties agree to the following:

1. The Employer agrees to change the discharge to a voluntary resignation effective September 11, 2014.
2. The Grievant agrees he will not now or in the future apply for or accept employment with Iowa State University in any capacity.
3. The Employer agrees to pay the Grievant in one (1) lump sum payment the amount of seven thousand dollars (\$7,000.00) less any state and federal taxes and FICA.
4. In consideration of the foregoing, the Union will withdraw the above referenced grievance.
5. This settlement is a good faith settlement of all issues arising from the facts alleged in 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 claims and potential causes of action addressed and arising from the Grievant's claims in this grievance.
6. 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.
7. This settlement is subject to Executive Order 85 and 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.

8. This settlement agreement is subject to Open Records and is available for public inspection and copying.

Dated this 8th Day of April 2015.

FOR THE EMPLOYER:

Tim Cook 4-8-15
Tim Cook Date
Associate Counsel
BOR

Robert Currie 4/9/15
Bob Currie Date
Director for Facilities Services
ISU

Julie Nuter
Julie Nuter Date
Associate Vice President for University Human Resources
ISU

FOR THE UNION:

Adam Swihart 4/8/15
Adam Swihart Date
Staff Representative
AFSCME Council 61

Scott Firnhaber
Scott Firnhaber Date
Grievant
4-8-15

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



BOARD OF REGENTS STATE OF IOWA

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Robert Donley, Executive Director

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: Scott Firnhaber
AFSCME #'s 121323 & 121324

Institutional Staff: Tim Cook, BOR

Office of the Attorney General

Reviewed by (Print Name): Diane M. Stahle

Reviewer's Signature: Diane M. Stahle

Date: 4/8/15 9:30 AM

Reviewed: ☒

Redacted: ☐

Institution: Iowa State University

Institutional Head's Printed Name: Steven Leath

Institutional Head's Signature: [Signature]

Date: April 8, 2015

Approve: ☒

Deny: ☐

Board of Regents

Executive Director's Printed Name: Robert Donley

Executive Director's Signature: [Signature]

Date: 4/9/15

Approve: ☒

Deny: ☐