

IOWA TRANSPARENCY NEWSLETTER



Shouldn't All Aspects of Government Be Transparent?

by Jennifer L. Crull

Transparency is something that most of us believe should exist in all aspects of government. Yet it seems that the union for state employees seems to think that transparency shouldn't relate to them at all. On January 6, 2013, the *Des Moines Register* ran an article about 33 employees that had been fired from state jobs and had managed to get rehired by the state.¹ Last time we checked, state employees are paid with state tax dollars, which come from us, the taxpayers. So I think if transparency is to apply to state transactions, contracts, and everything else relating to the state, then I believe that transparency applies to state employees, especially the ones that are disciplined on the job.

As the *Register* noted, an employee's personnel file is private, but in 2011 there was a law change that allows for

exceptions to that. One of those exceptions is when an employee is discharged as a result of final disciplinary action.² For most of us in the private sector, we worry about keeping our job and doing the responsibilities that come with it. Only in the case of being let go due to economic reasons can you hope to get your job back, but that is not the case with a public-sector job.

You may wonder why this is worth taking a look at. The *Des Moines Register* article stated, "A union leader has threatened to sue the state for releasing state records about the firings to the *Register* as part of a public records request."³ If that is the way requests for public records are going to be handled, that is a chilling thought for our state. There are many reasons to request this information, and it should be made public when appropriate. Then in the follow-up article from January 20th the *Des Moines Register* reports that, "State officials said Friday that roughly half of the 328 employees that they publicly

identified as being fired in the past five years were placed on the list erroneously."⁴ That makes you wonder what is being hidden from the public.

This article really exposes the flaws in the disciplinary process of the state. If an employee files a grievance with the state about losing his or her job, they could potentially get their job back and we as the public would have no knowledge of it. With that point being made, the "public wasn't supposed to know about the cases of 145 such state employees that were part of a *Des Moines Register* story published January 6."⁵ This makes one stop and think: how many employees are employed only because their supervisor knows that even if fired they may be reinstated by the grievance process. Not to say that some people aren't unjustly fired, but most are not. As the *Des Moines Register* points out:

The public should be able to know why employees paid by their tax dollars

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have been fired or disciplined because, in some cases, public safety can be on the line when the employee makes it back to public payrolls despite a history of misconduct.⁶

The leader of Iowa's Freedom of Information Council, Kathleen Richardson, shared that they receive calls from residents that are frustrated by being unable to trace disciplinary actions against a police officer. Richardson points out that she thinks that it is important to have access to disciplinary records of state employees: "I think in a lot of situations, there are good arguments to be made that it's in the public interest. Some of these are very valid and persuasive arguments."⁷

Governor Branstad is quoted as saying, "Because of union contracts we have certain responsibilities and obligations. Some of management's rights have been basically bargained away over the years in the process and we're in the process again of renegotiating and trying to make sure that the taxpayer's interest [are] protected in this process."⁸

A point that I think many of us would agree with is that these employees are being paid with taxpayer's money and therefore they need to remember that they do work for the residents of the state of Iowa. The public doesn't need to know everything, but if a state employee is disciplined then we have the

right to know about it, especially if it is a public safety issue. The current process makes Iowans feel that the state is trying to hide information concerning state employees from the public. It is time for a change to prevent even more of a cover-up with taxpayer's money.

Endnotes

¹ Jason Clayworth, "Fired & Rehired," *Des Moines Register*, January 6, 2013, <<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2013301060052>> accessed on January 10, 2013.

² Ibid.

³ Ibid.

⁴ Jason Clayworth, "State admits inaccuracy of its 'fired' list," *Des Moines Register*, January 20, 2013, <<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2013301200045>> accessed on January 21, 2013.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Jason Clayworth, "Gov. Branstad: Iowa's practice of rehiring fired employees is on my list," *Des Moines Register*, January 7, 2013, <<http://blogs.desmoinesregister.com/dmr/index.php/2013/01/07/branstad-iowas-practice-of-rehiring-fired-employees-is-on-my-list/article>> accessed on January 10, 2013.

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Our Elected Officials Are Back

by Jennifer L. Crull

It is January and in Iowa that means that our elected officials are back in session. Remember to stay up to date with what is happening in the Iowa House and Iowa Senate with Iowa Votes (<http://www.IowaVotes.org>). Public Interest Institute updates Iowa Votes as the bills are introduced during the session. We also have the information about voting records for all elected legislators on this site. Also, if you want information about how to contact your elected officials, you can find that information on IowaVotes.org.

The bill information is in an easy-to-read format, and you can also easily click through to the Legislative Website to see the actual wording of the bills. At the end of the first week of the session, the House already

had over 50 bills submitted. While the majority of bills introduced don't go anywhere, it is important to take the time to look at what is being introduced. Already we are seeing medical marijuana, increasing the minimum wage, the operation of golf carts on streets, and employers being required to provide meal and rest breaks at work. All of these topics would have an impact on your life, and we haven't even gotten to the big topics such as education, property tax, and jobs.

It is also important to remember that our elected officials need to hear what we think. Take the time to email your elected officials about the topics that are the most important to you. If you want the committee information for your elected officials, <https://www.legis.iowa.gov/Legislators/>

[find.aspx](#) will help you find that information. You just have to choose House or Senate and then you can click on your elected officials. From there you will see their committee assignments from their information page.

We need to remember that a “government of the people and by the people” only works if the people are involved. Happy searching for all sorts of information!

Jennifer L. Crull is an IT Specialist with Public Interest Institute.

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Watch the opinion section of your local paper for these commentaries on public policy issues and if you don't see *In the Public Interest*, contact your local editor and request he or she publish *In the Public Interest*.

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www.LimitedGovernment.org – Check here for all the information from Public Interest Institute.

www.IowaTransparency.org – Check here for all the information and newsletters about transparency in the state.

www.IowaVotes.org – Check here for the information concerning the Iowa legislative process and all legislation.

www.Iowa.gov – State of Iowa Webpage.

www.legis.iowa.gov – Check here for everything concerning the Iowa Legislature.

www.legis.iowa.gov/Legislators/find.aspx - Check here to figure out who your elected officials are.

www.iowacourts.gov – Iowa Judicial Branch and on-line court services.

data.iowa.gov – the new transparency Website for the state.

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