

**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 on behalf of Michael Lowe, hereinafter Grievant, AFSCME Number 121369 alleging a violations of Article IV, Section 9 (Discipline and Discharge) of the 20015-17 Collective Bargaining Agreement between the parties.

This agreement arose out of a situation in which the Grievant was discharged for failure to meet the performance expectations of his position. Based on this situation, the parties agree to the following:

1. The discharge will be reduced to a three (3) day suspension and may be considered for purposes of progressive discipline through close of business on July 24, 2017.
2. The Grievant will be reinstated to employment effective Monday, May 2, 2016, as a Computing Information Systems Technician II with a seniority date of October 20, 1999, and immediately placed on paid administrative leave pending the outcome of the restructuring of the Information Technologies Services (ITS).
3. The Employer will restore the Grievant's sick leave accruals he had as of July 24, 2015, and will provide the Grievant with the sick leave accruals at the appropriate accrual rate for the period of time from July 25, 2015, until May 2, 2016.
4. The Employer will provide the Grievant with the vacation accruals at the appropriate accrual rate for the period of time from July 25, 2015, until May 2, 2016, which the Grievant may elect to convert pursuant to Article IX, Section 10H.
5. The Employer agrees to pay the Grievant in one (1) lump sum payment the amount of fifty-two thousand eight hundred thirteen dollars and forty-four cents (\$52,813.44)(amount equal to earnings between July 25, 2015 through May 1, 2016) less interim earnings, unemployment compensation received, any state and federal taxes, retirement contributions, and FICA.
6. In consideration of the foregoing, the Union will withdraw the above referenced grievance.

7. 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.
8. 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.
9. This settlement is subject to Executive Order 85 and must be approved by the President of Iowa State University and the Executive Director of the Board of Regents 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.
10. This settlement agreement is subject to Open Records and is available for public inspection and copying.

Dated this 25<sup>th</sup> Day of April 2016.

FOR THE EMPLOYER:

Timothy B. Cook 5-4-16  
Date  
Timothy B. Cook  
Associate Counsel  
BOR

James M. Kurtenbach 17 MAY 2016  
Date  
Jim Kurtenbach  
Interim VP ITS & CIO  
ISU

Julie Nuter 5.20.2016  
Date  
Julie Nuter  
Vice President University Human Resources  
ISU

FOR THE UNION:

Adam Swihart 5/2/16  
Date  
Adam Swihart  
Staff Representative  
AFSCME Council 61

Michael Lowe 5/2/16  
Date  
Michael Lowe  
Grievant

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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Larry McKibban, Marshalltown  
Subhash Sahal, Webster City

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: Michael Lowe  
AFSCME #121369

Institutional Staff: Tim Cook, Associate Counsel, BOR

**Office of the Attorney General**

Reviewed by (Print Name): Diane Stahle

Reviewer's Signature: [Signature]

Date: 5/3/16 Reviewed:  Redacted:

Institution: Iowa State University

Institutional Head's Printed Name: Steven Leath

Institutional Head's Signature: [Signature]

Date: May 9, 2016 Approve:  Deny:

**Board of Regents**

Executive Director's Printed Name: Robert Donley

Executive Director's Signature: [Signature]

Date: 5.11.16 Approve:  Deny: