

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

Pursuant to Iowa Code sections 20.1(4) and 20.6(4), we presided over a closed evidentiary hearing on September 24, 2019, to receive evidence and arguments to determine the precise remedy due to Dawson. Present were Appellant Annette Dawson and her attorney Mark Hedberg, attorney Nathan Reckman on behalf of the State and PERB ALJ Diana Machir assisting the Board.

Prior to hearing, the Board was notified that the parties had reached agreement on the specifics of what they agree is an appropriate remedy. At hearing, attorneys Hedberg and Reckman outlined the parties' agreement for the record. The agreement is reflected in large part from three joint exhibits admitted into the record and is supplemented by Dawson's testimony as well as clarifications by the attorneys and facts of record as follow:

We ordered a make whole remedy for Dawson beginning with her termination on December 31, 2015. This included her reinstatement; back pay and benefits, less interim earnings and deductions associated with a five-day suspension; restoration of benefits accounts less adjustments for the suspension; appropriate adjustments to her personnel records; and all other actions necessary to restore her to the position she would have been had she been suspended for five days rather than terminated.

In their agreement, the parties agreed to make adjustments to account for what would have been her short-term disability and, due to her situation, a resignation from State employment effective September 24, 2019. Dawson was not vested in the State retirement system known as IPERS and is not owed anything from the system.

Joint Exhibit 1. The State owes Dawson a sum of \$99,014.13, which represents back pay less interim earnings and adjustments for sick leave and vacation and any other back pay or benefit adjustments as reflected on Joint Exhibit 1. The State owes Dawson interest on the back pay amount of \$99,014.13. The parties agree that interest shall be calculated pursuant to Iowa Code section 535.2.

Joint Exhibit 2. The State owes Dawson reimbursement for relevant portions of her health insurance costs in the amount of \$9,565.29.

Joint Exhibit 3. The State owes Dawson a sum of \$3,375.00 for deferred compensation.

The Board finds that the parties' agreement comports with the Board's directive contained in our Decision on Review and concludes that its provisions constitute an appropriate remedy within the meaning of Iowa Code section 8A.415(2). Accordingly, we enter the following:

ORDER

1. The State shall pay Dawson a sum of \$99,014.13 for back pay with adjustments. The State shall also pay interest on this amount. Interest is due from the time of her termination until the time of her resignation on September 24, 2019, and shall be calculated pursuant to Iowa Code section 535.2.

2. The State shall pay Dawson health insurance costs in the amount of \$9,565.29.

3. The State shall pay Dawson a sum of \$3,375.00 for deferred compensation.

4. The State shall make appropriate adjustments to Dawson's state personnel file to reflect PERB's Decision on Review including, but not limited to placing a copy of this order and a copy of the order from our Decision on Review in her file. Additionally, Dawson's personnel file shall reflect her resignation from State employment on September 24, 2019.

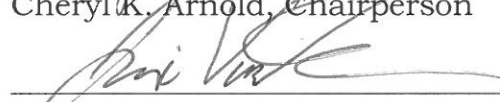
The costs of reporting and of the agency-requested transcript in the amount of \$123.75 are assessed against the State of Iowa pursuant to Iowa Code section 20.6(6) and PERB rule 621—11.9. A bill of costs will be issued to the Appellee in accordance with PERB subrule 621—11.9(3).

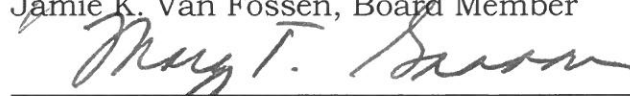
Pursuant to our Decision on Review, this order constitutes final agency action.

DATED at Des Moines, Iowa, this 1st day of October, 2019.

PUBLIC EMPLOYMENT RELATIONS BOARD


Cheryl K. Arnold, Chairperson


Jamie K. Van Fossen, Board Member


Mary T. Gannon, Board Member

Original filed EDMS.