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EMPLOYMENT - IOWA

Rivera v. Woodward Resource Center

Supreme Court of Iowa - May 10, 2013 - N.W.2d - 2013 WL 1922860

Former employee terminated from her employment as a residential treatment worker at state resource center brought action against resource center, alleging wrongful discharge in violation of public policy.

The Supreme Court of Iowa held that timely filing of initial suit dismissed for failure to exhaust administrative remedies triggered savings clause of Iowa Tort Claims Act, so as to render subsequent action allowable under the statute of limitations.

Although employee failed to comply with administrative procedure provided by ITCA prior to initiation of first lawsuit, a "claim" in the context of the savings clause did not require a distinction between administrative claims and court claims, as in the statute of limitations, because the procedures within the ITCA for a claimant to abrogate immunity had not yet come into play when a state agency or court had only determined the ITCA provided the exclusive remedy for the claim.

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