

# **Bond Case Briefs**

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## **IMMUNITY - IOWA**

### **Godfrey v. State**

**Supreme Court of Iowa - June 6, 2014 - N.W.2d - 2014 WL 2553412**

Workers' compensation commissioner brought action against State, governor, lieutenant governor, chief of staff to governor, legal counsel to the governor, communications director to the governor, and director of Iowa Workforce Development stemming from alleged demand for commissioner's resignation and subsequent salary reduction. After the attorney general certified that defendants were acting within the scope of their employment at time of allegations, the District Court granted motion to substitute State for individual defendants on some counts and dismissed other counts. Commissions applied for interlocutory review, which was granted.

The Supreme Court of Iowa held that attorney general's certification that employees acted within scope of employment was inapplicable to common law claims against employees in individual capacities.

Attorney general's certification that individual state-employee defendants were acting within the scope of their employment at time of allegations in action by workers' compensation commissioner, such that certain immunities applied pursuant to Iowa Tort Claims Act (ITCA), was not applicable to commissioner's common law claims alleging that the individual defendants acted outside the scope of their employment, where provision of ITCA governing such certification expressly applied only to claims under the ITCA, and, when a state employee acted outside the scope of his or her employment, the employee was responsible for the attorney fees and the damages, not the public.