House File 2256 - Introduced

HOUSE FILE 2256
BY WINDSCHITL

A BILL FOR

- 1 An Act providing for employment protections for employees
- 2 absent from work due to adoptions and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 216.2, Code 2014, is amended by adding
- 2 the following new subsections:
- 3 NEW SUBSECTION. 01. "Absence due to an adoption" includes
- 4 an absence in order to prepare for or participate in the
- 5 adoption of a child, or to care for a newly adopted child
- 6 within the first year of adoption.
- 7 NEW SUBSECTION. 001. "Adoption" means the process of
- 8 securing legal custody of a child.
- 9 <u>NEW SUBSECTION</u>. 0001. "Child" means a person under eighteen
- 10 years of age.
- 11 Sec. 2. Section 216.6, subsection 2, unnumbered paragraph
- 12 1, Code 2014, is amended to read as follows:
- Employment policies relating to pregnancy, and childbirth,
- 14 and adoption shall be governed by the following:
- 15 Sec. 3. Section 216.6, subsection 2, paragraphs a, b, d, and
- 16 e, Code 2014, are amended to read as follows:
- 17 a. A written or unwritten employment policy or practice
- 18 which excludes from employment applicants or employees because
- 19 of the employee's pregnancy or adoption is a prima facie
- 20 violation of this chapter.
- 21 b. Disabilities caused or contributed to by the employee's
- 22 pregnancy, miscarriage, childbirth, and recovery therefrom,
- 23 or an employee's absence due to an adoption, are, for all
- 24 job-related purposes, temporary disabilities and shall be
- 25 treated as such under any health or temporary disability
- 26 insurance or sick leave plan available in connection with
- 27 employment. Written and unwritten employment policies and
- 28 practices involving matters such as the commencement and
- 29 duration of leave, the availability of extensions, the accrual
- 30 of seniority, and other benefits and privileges, reinstatement,
- 31 and payment under any health or temporary disability insurance
- 32 or sick leave plan, formal or informal, shall be applied to a
- 33 disability due to the employee's pregnancy or giving birth, or
- 34 an employee's absence due to an adoption, on the same terms and
- 35 conditions as they are applied to other temporary disabilities.

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    d. An employer shall not terminate the employment of a
    person disabled by pregnancy or absent due to an adoption
    because of the employee's pregnancy or absence.
    e. Where a leave is not available or a sufficient leave
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- Where a leave is not available or a sufficient leave 5 is not available under any health or temporary disability 6 insurance or sick leave plan available in connection with 7 employment, the employer of the pregnant or adopting employee 8 shall not refuse to grant to the employee who is disabled by 9 the pregnancy, or absent due to an adoption, a leave of absence 10 if the leave of absence is for the period that the employee is 11 disabled because of the employee's pregnancy, childbirth, or 12 related medical conditions, or preparing for or participating 13 in the adoption of a child, or caring for a newly adopted 14 child within the first year of adoption, or for eight weeks, 15 whichever is less. However, the employee must provide timely 16 notice of the period of leave requested and the employer must 17 approve any change in the period requested before the change is 18 effective. Before granting the leave of absence, the employer 19 may require that one of the following:
- 20 <u>(1) That</u> the employee's disability resulting from pregnancy 21 be verified by medical certification stating that the employee 22 is not able to reasonably perform the duties of employment.
- 23 (2) That the employee's adoption be verified by
 24 documentation of the adoption and that the employee certify in
 25 writing that the employee will not able to reasonably perform
 26 the duties of employment because the employee will be preparing
 27 for or participating in the adoption of a child, or caring for
 28 a newly adopted child within the first year of adoption.

29 EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

Code chapter 216, the Iowa civil rights Act, provides
certain employment protections to employees relating to
pregnancy and childbirth. This bill provides that these
protections also apply to employees who are absent from work

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- 1 due to an adoption. The bill defines "adoption" as the
- 2 process of securing legal custody of a child. The bill defines
- 3 "absence due to an adoption" to include an absence in order
- 4 to prepare for or participate in the adoption of a child, or
- 5 to care for a newly adopted child within the first year of
- 6 adoption.
- 7 The bill provides that an employment policy or practice
- 8 which excludes from employment applicants or employees because
- 9 of the employee's adoption is a prima facie violation of Code
- 10 chapter 216.
- 11 The bill provides that an employee's absence due to an
- 12 adoption is, for job-related purposes, a temporary disability
- 13 and shall be treated as such under any health or temporary
- 14 disability insurance or sick leave plan available in connection
- 15 with employment. Employment policies and practices involving
- 16 certain matters such as the commencement and duration of leave,
- 17 the accrual of seniority, and payment under any health or
- 18 temporary disability insurance or sick leave plan shall be
- 19 applied to a disability due to the employee's absence due to an
- 20 adoption on the same terms and conditions as they are applied
- 21 to other temporary disabilities.
- 22 The bill prohibits an employer from terminating the
- 23 employment of a person absent due to an adoption because of the
- 24 employee's absence.
- 25 Where a leave is not available or a sufficient leave is not
- 26 available under any health or temporary disability insurance
- 27 or sick leave plan available in connection with employment,
- 28 the bill prohibits an employer of an adopting employee from
- 29 refusing to grant to the employee a leave of absence if
- 30 the leave of absence is for the period that the employee is
- 31 preparing for or participating in the adoption of a child,
- 32 or caring for a newly adopted child within the first year of
- 33 adoption, or for eight weeks, whichever is less. The employee
- 34 must provide timely notice of the period of leave requested.
- 35 The employer may first require that the employee's adoption be

- 1 verified by documentation and that the employee certify that
- 2 the employee will not able to reasonably perform the duties
- 3 of employment because the employee will be preparing for or
- 4 participating in the adoption of a child, or caring for a newly
- 5 adopted child within the first year of adoption.
- 6 Penalty provisions for discriminatory employment practices
- 7 are made applicable to violations of the employment protections
- 8 granted by the bill.