

State Government
Slater, Chair
Bruner
Lura

to be reprinted
(1983)

Reprinted 5/4/83

FILED FEB 3 1983

SENATE FILE 190

BY SLATER, CARR and BRUNER
(Connolly)

Passed Senate, Date 5-2-83 (# 1492) Passed House, Date _____
Vote: Ayes 31 Nays 15 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to leaves of absence for persons who are
2 elected to municipal, county, state, or federal offices
3 and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 190

1 Section 1. NEW SECTION. LEAVE OF ABSENCE. A person who
2 is elected to a municipal, county, state, or federal office
3 shall, upon written application to the employer of that person,
4 be granted a leave of absence from regular employment to serve
5 in that office except where prohibited by the federal law.
6 The leave of absence shall be granted without pay and without
7 loss of position or status.

8 A leave of absence for a person regularly employed pur-
9 suant to chapter 19A is subject to section 19A.18.

10 An employee shall not be prohibited from returning to
11 regular employment before the period expires for which the
12 leave of absence was granted.

13 Sec. 2. NEW SECTION. PENALTIES. A person violating this
14 Act is guilty of a simple misdemeanor. Each day in which
15 the violation continues is a separate offense.

16 EXPLANATION

17 This bill provides that a person who is elected to a
18 municipal, county, state, or federal office shall upon request
19 receive a leave of absence from the employer without loss
20 of position or status, where the leave of absence would not
21 be in violation of federal law such as "The Hatch Political
22 Activities Act". The employee on leave may return to regular
23 employment before the period expires for which the leave was
24 granted. Each day in which the violation continues shall
25 constitute a separate offense.

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SENATE FILE 190

S-3760

- 1 Amend Senate amendment S-3751 to Senate File
- 2 190 as follows:
- 3 1. Page 1, line 7, by striking the words
- 4 "An employer is not required" and inserting in
- 5 lieu thereof the following: "This section shall
- 6 not be construed to require an employer".

S-3760 FILED & ADOPTED BY TOM SLATER
MAY 2, 1983 (p. 1489)

SENATE FILE 190

S-3761

- 1 Amend Senate File 190 as follows:
- 2 1. Page 1, by striking lines 13 through 15.

S-3761 FILED & LOST BY JULIA GENTLEMAN
MAY 2, 1983 (p. 1491)

SENATE FILE 190

S-3762

- 1 Amend Senate File 190 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 "Temporary substitute teachers and teachers hired
- 5 on a temporary basis to replace teachers who have been
- 6 granted leaves of absence pursuant to this section are
- 7 not subject to the provisions of chapter 279 relating
- 8 to the issuance or termination of continuing contracts."

S-3762 FILED & ADOPTED BY DOUG RITSEMA
MAY 2, 1983 (p. 1491) JOE BROWN

SENATE FILE 190

S-3317

- 1 Amend Senate File 190 as follows:
2 1. Page 1, lines 6 and 7, by striking the words
3 "and without loss of position or status".

S-3317 FILED

BY JULIA B. GENTLEMAN

MARCH 23, 1983

Closed out of order 5/2/83 (p. 1491)

SENATE FILE 190

S-3488

Amend Senate File 190 as follows:

- 4 2 1. Page 1, line 6, by striking the words "pay and
3 without".
5 2. Page 1, line 7, by striking the words "position
6 or status" and inserting in lieu thereof the words
7 "not credited service and benefits accrued".
8 3. Page 1, line 12, by inserting after the word
9 "granted." the words "This provision applies only to
employers which employ twenty or more persons."

S-3488 FILED

BY TOM SLATER

APRIL 11, 1983

BOB CARR

B. Adopted, A. with 5/2 (p. 1485)

CHARLES BRUNER

SENATE FILE 190

S-3751

Amend Senate File 190 as follows:

- 2 1. Page 1, line 6, by striking the word "shall"
3 and inserting in lieu thereof the word "may".
4 2. Page 1, line 6, by inserting after the word
5 "and" the words "shall be granted".
6 3. Page 1, by inserting after line 7 the following
7 new sentence: "An employer is not required to pay
8 pension benefits during the leave of absence to an
9 employee taking a leave of absence under this
10 section."

S-3751 FILED

BY JULIA GENTLEMAN

MAY 2, 1983

TOM SLATER

ADOPTED AS AMENDED *by 3760 (p. 1484)*

JACK NYSTROM
CHARLES BRUNER

SENATE FILE 190

S-3756

Amend Senate File 190 as follows:

- 2 1. Page 1, by inserting after line 12 the
3 following:
4 "Temporary substitute teachers and teachers hired
5 on a temporary basis to replace teachers who have been
6 granted leaves of absence pursuant to this section are
7 not subject to the provisions of chapter 279 relating
8 to the issuance or termination of contracts."

S-3756 FILED & WITHDRAWN
MAY 2, 1983 *(p. 1491)*

BY DOUG RITSEMA

State Government: Arnould, Chair: Buhr, Hoffmann-Bright, Swartz and Swearingen.

Amend for 50248 S, Pass 1/24/84 (p. 182)

SENATE FILE

190

BY SLATER, CARR and BRUNER

(AS AMENDED AND PASSED BY THE SENATE MAY 2, 1983)

Passed Senate, Date 3-6-84 (p. 685) Passed House, Date 2-3-84 (p. 275)

Vote: Ayes 36 Nays 12 - Vote: Ayes 58 Nays 40

Approved May 8, 1984

Motion to reconsider (p. 275)

" Loss 2/13 (p. 377)

Repass House per Senate amendment 4-2-84 (p. 1559)

A BILL FOR

- 1 An Act relating to leaves of absence for persons who are
- 2 elected to municipal, county, state, or federal offices
- 3 and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

58-39

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 190

H-5479

- 1 Amend the House amendment S-5111 to Senate File
- 2 190 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting before line 3 the
- 5 following:
- 6 "1. Page 1, line 9, by inserting after the word
- 7 "pension" the words ", health or other"."
- 8 2. Page 1, by striking lines 6 and 7 and inserting
- 9 in lieu thereof the following:
- 10 "3. Page 1, line 16, by striking the word
- 11 "persons." and inserting in lieu thereof the words
- 12 "full-time persons. The leave of absence granted
- 13 by this section need not exceed six years. The leave
- 14 of absence granted by this section does not apply
- 15 to an elective office held by the employee prior to
- 16 the election."

H-5479 FILED MARCH 8, 1984

RECEIVED FROM THE SENATE

House concurred 4/2 (p. 1559)

1 Section 1. NEW SECTION. LEAVE OF ABSENCE. A person who
2 is elected to a municipal, county, state, or federal office
3 shall, upon written application to the employer of that person,
4 be granted a leave of absence from regular employment to serve
5 in that office except where prohibited by the federal law.
6 The leave of absence may be granted without pay and shall
7 be granted without loss of net credited service and benefits
8 earned. This section shall not be construed to require an
9 employer to pay pension benefits during the leave of absence
10 to an employee taking a leave of absence under this section.

11 A leave of absence for a person regularly employed pur-
12 suant to chapter 19A is subject to section 19A.18.

13 An employee shall not be prohibited from returning to
14 regular employment before the period expires for which the
15 leave of absence was granted. This provision applies only
16 to employers which employ twenty or more persons.

17 Temporary substitute teachers and teachers hired on a
18 temporary basis to replace teachers who have been granted
19 leaves of absence pursuant to this section are not subject
20 to the provisions of chapter 279 relating to the issuance
21 or termination of continuing contracts.

22 Sec. 2. NEW SECTION. PENALTIES. A person violating this
23 Act is guilty of a simple misdemeanor. Each day in which
24 the violation continues is a separate offense.

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SENATE FILE 190

H-5066

1 Amend Senate File 190 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 22, by inserting after the word
4 "violating" the words and figure "section 1 of".
5 2. Page 1, by inserting after line 24 the
6 following:
7 "Sec. 3. Section 341A.18, unnumbered paragraph
8 8, Code 1983, is amended to read as follows:
9 Any officer or employee subject to civil service
10 who shall become a candidate for any partisan elective
11 office for remuneration shall, commencing thirty days
12 prior to the date of the primary ~~or general~~ election
13 and ~~continuing until such person is eliminated as~~
14 ~~a candidate, either voluntarily or otherwise~~ thirty
15 days prior to the general election if still a
16 candidate, automatically receive leave of absence
17 without pay and during such period shall perform no
18 duties connected with the office or position so held."

H-5066 FILED FEB. 2, 1984 BY JAY of Appanoose
#12 2/3 (p. 274)

SENATE FILE 190

H-5067

1 Amend Senate File 190 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 20 and 21, by striking the words
4 "issuance or".

H-5067 FILED FEB. 2, 1984 BY SWARTZ of Marshall
Adopted 2/3 (p. 273)

SENATE FILE 190

H-5082

1 Amend Senate File 190 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 8, by inserting after the word
4 "earned." the following: "At the time of making the
5 application the employee must agree to return to the
6 employment at the conclusion of the leave of absence
7 for a period of at least one year. If the employee
8 does not fulfill the agreement, the employee shall
9 be liable for any damages sustained by the employer."

H-5082 FILED FEB. 2, 1984 BY PAULIN of Plymouth
Loach 2/3 (p. 270)

SENATE FILE 190

H-5024

1 Amend Senate File 190 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 15, by striking the word
4 "provision" and inserting in lieu thereof the word
5 "section".

H-5024 FILED JANUARY 25, 1984 BY COMMITTEE ON STATE GOVERNMENT
Adopted 2/3 (p 268)

SENATE FILE 190

H-5053

1 Amend Senate File 190 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 1, line 1, by striking the words "A per-
4 son who" and inserting in lieu thereof the following:
5 "A person who is employed by a public employer as
A 6 that term is defined in section 20.3, subsection 1
7 and who".

8 2. Page 1, line 5, by inserting after the word
B 9 "office" the following: ". An employer need not
10 grant such leave to an employee for a period which
11 during employment exceeds a cumulative total of six
12 years,".

BY SWEARINGER of KEOKUK
CHAPMAN of LINN
RENSINK of SIOUX
VANMANNEN of MAHASKA
CARPENTER of POLK
HOFFMANN-BRIGHT of MUSCATINE

H-5053 FILED FEBRUARY 1, 1984

Last 2/4 (p 268.9)

SENATE FILE 190

H-5058

1 Amend Senate File 190 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 1, line 15 by striking the words "leave
4 of absence was granted." and inserting in lieu thereof
5 the following: "leave of absence was granted provid-
6 ing the returning employee has maintained the skills
7 necessary to perform the duties required in the posi-
8 tion to which the person is to be reinstated."

BY RENSINK of SIOUX
DE GROOT of LYON
HOFFMANN-BRIGHT of MUSCATINE

H-5058 FILED FEBRUARY 1, 1984

Last 2/3 (p 272)

SENATE FILE 190

H-5089

1 Amend amendment H-5086 to Senate File 190 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, line 5, by inserting after the word
4 "employee" the following "and the employee has maintained
5 the skills necessary to perform the duties required in
6 the position to which the person is to be reinstated".

H-5089 FILED FEB. 3, 1984 BY RENSINK of Sioux
ADOPTED (p. 271)

SENATE FILE 190

H-5090

1 Amend amendment H-5053 to Senate File 190 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 11 and 12 and inserting
4 in lieu thereof the following: "during employment exceeds
5 one term of office to which the employee is elected,"

H-5090 FILED FEB. 3, 1984 BY HUMMEL of Benton
LOST (p. 269)

H-5083

1 Amend Senate File 190 as amended, passed and re-
2 printed by the Senate as follows:

3 1. Page 1, by inserting after line 21 the follow-
ing: "This section does not require an employer to
4 reemploy the employee if a job position of the same
5 type, description or classification that the employee
6 vacated is no longer in existence, and another employee
7 has not been employed in a job position of the same
8 type, description or classification that the employee
9 vacated within six months prior to the time the employee
10 wishes to return."
11

H-5083 FILED FEB. 2, 1984 BY PAULIN of Plymouth

Law 2/3 (p. 214)

SENATE FILE 190

H-5085

1 Amend Senate File 190 as amended, passed and re-
2 printed by the Senate as follows:

3 1. page 1, line 16, by inserting after the word "more"
4 the following: "full-time".

H-5085 FILED FEB. 2, 1984 BY TABOR of Jackson

Law 2/3 (p. 212)

SENATE FILE 190

H-5086

1 Amend Senate File 190, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by inserting after the word
4 "granted" the words "if six months notice is given
5 by the employee".

H-5086 FILED FEB. 2, 1984 BY LAGESCHULTE of Bremer

Law 2/3 (p. 212)

HOUSE AMENDMENT TO SENATE FILE 190

S-5111

1 Amend Senate File 190 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the word
4 "provision" and inserting in lieu thereof the word
5 "section".

6 2. Page 1, line 16, by inserting after the word
7 "more" the following: "full-time".

8 3. Page 1, lines 20 and 21, by striking the words
9 "issuance or".

S-5111 FILED
FEBRUARY 14, 1984

RECEIVED FROM THE HOUSE
Senate amended & concurred 3/6 (p. 685)

SENATE FILE 190

S-5189

1 Amend the House amendment S-5111 to Senate File
2 190 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting before line 3 the
5 following:

6 "1. Page 1, line 9, by inserting after the word
7 "pension" the words ", health or other"."

8 2. Page 1, by striking lines 6 and 7 and inserting
9 in lieu thereof the following:

10 "3. Page 1, line 16, by striking the word
11 "persons." and inserting in lieu thereof the words
12 "full-time persons. The leave of absence granted
13 by this section need not exceed six years. The leave
14 of absence granted by this section does not apply
15 to an elective office held by the employee/prior to
16 the election."

S-5189 FILED
FEBRUARY 29, 1984

BY CALVIN O. HULTMAN
TOM SLATER

Adopted 3/6 (p. 683)

SENATE FILE 190

S-5246

1 Amend the House amendment S-5111 to Senate File
2 190 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 9 the following:

5 "4. Page 1, by inserting after line 21 the
6 following:

7 "However, by making a written application for a
8 leave of absence the employee agrees to return to
9 the place of employment or be subject to the penalties
10 of section 2 of this Act."

S-5246 FILED
MARCH 5, 1984

BY ARNE WALDSTEIN
JOHN JENSEN

Adopted 3/6 (p. 685)

(CORRECTED COPY)
SENATE FILE 190

Sec. 2. NEW SECTION. PENALTIES. A person violating this Act is guilty of a simple misdemeanor. Each day in which the violation continues is a separate offense.

AN ACT

RELATING TO LEAVES OF ABSENCE FOR PERSONS WHO ARE ELECTED TO MUNICIPAL, COUNTY, STATE, OR FEDERAL OFFICES AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. LEAVE OF ABSENCE. A person who is elected to a municipal, county, state, or federal office shall, upon written application to the employer of that person, be granted a leave of absence from regular employment to serve in that office except where prohibited by the federal law. The leave of absence may be granted without pay and shall be granted without loss of net credited service and benefits earned. This section shall not be construed to require an employer to pay pension, health or other benefits during the leave of absence to an employee taking a leave of absence under this section.

A leave of absence for a person regularly employed pursuant to chapter 19A is subject to section 19A.18.

An employee shall not be prohibited from returning to regular employment before the period expires for which the leave of absence was granted. This section applies only to employers which employ twenty or more full-time persons. The leave of absence granted by this section need not exceed six years. The leave of absence granted by this section does not apply to an elective office held by the employee prior to the election.

Temporary substitute teachers and teachers hired on a temporary basis to replace teachers who have been granted leaves of absence pursuant to this section are not subject to the provisions of chapter 279 relating to the termination of continuing contracts.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 190, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate
Approved May 8, 1984

TERRY E. BRANSTAD
Governor