

## CHAPTER 55

### LEAVE OF ABSENCE FOR CANDIDACY AND PUBLIC SERVICE

Referred to in §39.28

55.1	Leave of absence for service in elective office.	55.4	Leave of absence for public employee candidacy.
55.2	Leave of absence for volunteer emergency service.	55.5	Penalties.
55.3	Service on boards, commissions, task forces, and committees.		

#### 55.1 Leave of absence for service in elective office.

1. 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, except that if a salaried employee takes leave without pay from regular employment for a portion of a pay period, the employee’s salaried compensation for that pay period shall be reduced by the ratio of the number of days of leave taken to the total number of days in the pay period. The leave of absence 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](#).

2. A leave of absence for a person regularly employed pursuant to [chapter 8A, subchapter IV](#), is subject to [section 8A.416](#).

3. 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](#) does not apply to an elective office held by the employee prior to the election.

4. 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.

[84 Acts, ch 1233, §1](#); [2003 Acts, ch 145, §153](#); [2008 Acts, ch 1171, §58, 59](#)

Multiple elective offices, see [§39.11, 39.12, 441.17\(1\)](#)

#### 55.2 Leave of absence for volunteer emergency service.

All officers and employees of the state, other than employees employed temporarily for six months or less or those employees considered essential personnel, who are volunteer fire fighters or emergency medical service personnel shall be entitled to a leave of absence from such civil employment for the period of an emergency response without loss of status or efficiency rating, and without loss of pay during such leave of absence. Such leave of absence shall in no way affect the employee’s rights to action, sick leave, bonus, or other employment benefits relating to the employee’s particular employment.

[2000 Acts, ch 1117, §3](#)

#### 55.3 Service on boards, commissions, task forces, and committees.

1. For the purpose of [this section](#), “state board” includes any board, commission, committee, council, or task force of the state government created by the Constitution of the State of Iowa, or by statute, resolution of the general assembly, motion of the legislative council, executive order of the governor, or supreme court order, but does not include any such state board, commission, committee, council, or task force for which an annual salary is provided for its members.

2. A person who is appointed to serve on a state board, upon written application to the person’s employer, shall be granted leaves of absence from regular employment to attend the meetings of the state board, except if leaves of absence are prohibited by federal law. The leaves of absence may be granted without pay and shall be granted without loss of net

credited service and benefits earned. [This section](#) does not apply if the employer employs less than twenty full-time employees.

[86 Acts, ch 1245, §2061](#); [2006 Acts, ch 1010, §39](#); [2020 Acts, ch 1062, §94](#)

#### **55.4 Leave of absence for public employee candidacy.**

1. Any public employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty days prior to a contested primary, special, or general election and continuing until after the day following that election, automatically be given a period of leave. If the employee is under [chapter 8A, subchapter IV](#), the employee may choose to use accrued vacation leave, accrued compensatory leave, or leave without pay to cover these periods. The appointing authority may authorize other employees to use accrued vacation leave or accrued compensatory leave instead of leave without pay to cover these periods. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

2. [This section](#) does not apply to employees of the federal government or to a public employee whose position is financed by federal funds if the application of [this section](#) would be contrary to federal law or result in the loss of the federal funds.

[86 Acts, ch 1021, §2](#); [2003 Acts, ch 145, §154](#); [2020 Acts, ch 1062, §94](#)

#### **55.5 Penalties.**

A person violating [this chapter](#) is guilty of a simple misdemeanor. Each day in which the violation continues is a separate offense.

[84 Acts, ch 1233, §2](#)

C85, §55.2

C87, §55.5