

**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\(1\)](#)