

House Amendment 8697

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1 1 Amend House File 2700 as follows:
1 2 #1. Page 20, by inserting after line 12 the
1 3 following:
1 4 <Sec. _____. Section 39A.5, subsection 1, paragraph
1 5 b, Code Supplement 2007, is amended by adding the
1 6 following new subparagraph:
1 7 NEW SUBPARAGRAPH. (4) As an employer, denying an
1 8 employee the privilege conferred by section 43.4A to
1 9 attend a precinct caucus, or subjecting an employee to
1 10 a penalty because of the exercise of that privilege.
1 11 Sec. _____. NEW SECTION. 43.4A EMPLOYEES ENTITLED
1 12 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT
1 13 CAUCUSES.
1 14 1. Any person entitled to participate in a
1 15 precinct caucus held as part of the presidential
1 16 nominating process in this state who is required to be
1 17 present at work for an employer during the four-hour
1 18 period starting one hour prior to the time the
1 19 precinct caucus starts is entitled to take unpaid
1 20 leave for as much of that four-hour period as is
1 21 necessary to participate in the precinct caucus except
1 22 as provided by this section. Application by any
1 23 employee for such absence shall be made to the
1 24 employee's employer individually and in writing at
1 25 least fourteen days prior to the time the precinct
1 26 caucus is scheduled to start. The employee shall not
1 27 be liable for any loss of wages or salary or any other
1 28 penalty except for the loss of wages or salary for the
1 29 hours of unpaid leave actually used.
1 30 2. a. An application for an absence by an
1 31 employee may be denied by an employer if all the
1 32 following circumstances exist:
1 33 (1) The person is employed in an emergency
1 34 services position which shall include peace officer,
1 35 fire fighter, emergency medical personnel, and any
1 36 other position that seriously affects public health or
1 37 safety, or is employed by an entity that would
1 38 experience severe economic or operational disruption
1 39 due to the person's absence.
1 40 (2) The employer filed a written notice with the
1 41 commissioner at least seven days prior to the date of
1 42 the precinct caucus specifying exigent circumstances
1 43 justifying the denial of such leave for personnel
1 44 described in subparagraph (1) and declaring the
1 45 minimum number of such personnel, by position, needed
1 46 to protect public health and safety or maintain
1 47 minimum operational capacity, as applicable. A copy
1 48 of this written notice shall be provided to employees
1 49 of the employer.
1 50 (3) The number of persons employed in a position
2 1 that did not apply for an absence is less than the
2 2 minimum number of persons in that position needed by
2 3 the employer to protect public health and safety or
2 4 maintain minimum operational capacity, as applicable.
2 5 b. If the circumstances in paragraph "a" exist as
2 6 to a particular position of the employer, then the
2 7 employer may deny the minimum number of employees
2 8 applying for an absence in that position needed to
2 9 yield the minimum staffing level for that position as
2 10 specified in the written notice to the commissioner.
2 11 The selection of which employees applying for an
2 12 absence shall be denied shall be made without regard
2 13 to political party affiliation, political belief, or
2 14 affiliation with or support for any candidate, or for
2 15 any of the grounds for which employment discrimination
2 16 is prohibited in this state.
2 17 3. An employer may, in lieu of providing unpaid
2 18 leave to affected employees to attend a presidential
2 19 precinct caucus, do any of the following:
2 20 a. Authorize paid leave to all affected employees.
2 21 b. Allow all affected employees the option to work
2 22 additional compensatory hours, at a time designated by
2 23 the employer not in conflict with the time needed for
2 24 caucus participation, equal in number to the number of

2 25 hours taken to participate in the presidential
2 26 precinct caucus. The option of working compensatory
2 27 hours may be exercised individually by each employee.
2 28 Work done during the compensatory hours shall be
2 29 compensated in the same manner as work during regular
2 30 hours.>
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