

Senate Amendment to
House File 493

H-1640

1 Amend House File 493, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 70A.27 Leave of absence
6 for charge of a crime — civil penalty.

7 1. For the purposes of this section:

8 a. "Convicted" means convicted of an indictable
9 offense and includes a guilty plea or other finding of
10 guilt by a court of competent jurisdiction.

11 b. "Public employee" means any individual employed
12 by a public employer. "Public employer" includes heads
13 of executive branch agencies.

14 c. "Public employer" means the state, its boards,
15 commissions, agencies, and departments, and its
16 political subdivisions including school districts and
17 other special purpose districts. "Public employer"
18 includes the general assembly and the governor.

19 2. a. A public employee on a leave of absence
20 with full or partial compensation because the public
21 employee is charged, by indictment or information,
22 with the commission of a public offense classified as
23 a class "D" felony or greater offense shall pay to
24 the public employer employing the public employee a
25 civil penalty equal to the cash wages that the public
26 employee received during the period of the leave of
27 absence if the public employee is convicted of a public
28 offense classified as a class "D" felony or greater
29 offense.

30 b. A public employee shall pay to the public
31 employer employing the public employee a civil
32 penalty equal to any payments that the public employee
33 received pursuant to the terms of the public employee's
34 employment contract that result from the termination
35 of the contract, if the termination was caused by the
36 employee being charged, by indictment or information,
37 with the commission of a public offense classified as a
38 class "D" felony or greater offense, and if the public
39 employee is convicted of a public offense classified as
40 a class "D" felony or greater offense.>

41 2. Title page, by striking lines 1 through 4 and
42 inserting <An Act requiring public employees charged
43 with a felony to pay a civil penalty equal to the cash
44 wages received during a paid leave of absence and any
45 contract termination payments if convicted.>