

SENATE FILE _____
BY McCOY

A BILL FOR

1 An Act relating to the treatment of adoptive parent employees
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 91A.5B Treatment of adoptive parent
2 employees.

1. For purposes of this section, "*adoption*" means the permanent placement in this state of a child by the department of human services, by a licensed agency under chapter 238, by an agency that meets the provisions of the interstate compact in section 232.158, or by a person making an independent placement according to the provisions of chapter 600.

9 2. An employer shall treat an employee who chooses to
10 adopt in the same manner as an employee who is the biological
11 parent of a newborn child for purposes of employment policies,
12 benefits, and protections for the first year of the adoption.

EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill requires an employer under Code chapter 91A to
17 treat an employee who chooses to adopt in the same manner as an
18 employee who is the biological parent of a newborn child for
19 purposes of employment policies, benefits, and protections for
20 the first year of the adoption.

21 The bill defines "adoption" as the permanent placement in
22 this state of a child by the department of human services,
23 by a licensed agency under Code chapter 238, by an agency
24 that meets the provisions of the interstate compact in Code
25 section 232.158, or by a person making an independent placement
26 according to the provisions of Code chapter 600.

27 Code section 91A.2 defines "employer" as a person, as
28 defined in Code chapter 4, who in this state employs for wages
29 a natural person. The definition specifies that an employer
30 does not include a client, patient, customer, or other person
31 who obtains professional services from a licensed person
32 who provides the services on a fee service basis or as an
33 independent contractor.

34 Code section 91A.2 defines "employee" as a natural person
35 who is employed in this state for wages by an employer.

1 Code section 91A.2 specifies that "employee" also includes a
2 commission salesperson who takes orders or performs services
3 on behalf of a principal and who is paid on the basis of
4 commissions but does not include persons who purchase for their
5 own account for resale. Code section 91A.2 also excludes
6 certain persons engaged in agriculture from the definition of
7 "employee".

8 Code chapter 91A is administered and enforced by the
9 labor commissioner. A violation of Code chapter 91A or the
10 administrative rules promulgated under it is subject to a
11 civil penalty of not more than \$500 per pay period for each
12 violation.