



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**House File 671**, an Act relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





HOUSE FILE 671

AN ACT

RELATING TO PUBLIC SAFETY BY PROVIDING VOLUNTEER EMERGENCY SERVICES PROVIDERS PROTECTION FROM EMPLOYMENT TERMINATION, PROVIDING FOR THE MEMBERSHIP OF THE PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY BOARD, PROVIDING FOR MODIFICATIONS IN THE BOUNDARIES OF EMERGENCY RESPONSE DISTRICTS, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, as amended by 2009 Iowa Acts, Senate File 108, section 1, is amended to read as follows:

~~The following members, to be appointed by the governor from nominees submitted by volunteer and professional organizations associated with the following~~ The governor shall solicit and consider recommendations from professional or volunteer organizations in appointing the following members:

Sec. 2. NEW SECTION. 100B.14 VOLUNTEER JOB PROTECTION.

1. This section shall be known as the "Volunteer Emergency Services Providers Job Protection Act".

2. For the purposes of this section, "volunteer emergency services provider" means a volunteer fire fighter as defined in section 85.61, a reserve peace officer as defined in

section 80D.1A, an emergency medical care provider as defined in section 147A.1, or other personnel having voluntary emergency service duties and who are not paid full-time by the entity for which the services are performed in the local service area, in a mutual aid agreement area, or in a governor-declared state of disaster emergency area.

3. A public or private employer shall not terminate the employment of an employee for joining a volunteer emergency services unit or organization, including but not limited to any municipal, rural, or subscription fire department.

4. If an employee has provided the employee's public or private employer with written notification that the employee is a volunteer emergency services provider, the employer shall not terminate the employment of a volunteer emergency services provider who, because the employee was fulfilling the employee's duties as a volunteer emergency services provider, is absent from or late to work.

5. An employer may deduct from an employee's regular pay an amount of regular pay for the time that an employee who is a volunteer emergency services provider is absent from work while performing duties as a volunteer emergency services provider.

6. An employer may request that an employee who is a volunteer emergency services provider and who is absent from or late to work while responding to an emergency provide the employer with a written statement from the supervisor or acting supervisor of the volunteer emergency services unit or organization stating that the employee responded to an emergency and stating the date and time of the emergency.

7. An employee who is a volunteer emergency services provider and who may be absent from or late to work while performing duties as a volunteer emergency services provider shall notify the employer as soon as possible that the employee may be absent or late.

8. An employer shall determine whether an employee may leave work to respond to an emergency as part of the employee's volunteer emergency services provider duties.

9. An employee whose employment is terminated in violation of this section may bring a civil action against the employer. The employee may seek reinstatement to the employee's former

position, payment of back wages, reinstatement of fringe benefits, and, where seniority rights are granted, reinstatement of seniority rights. If the employee prevails in such an action, the employee shall be entitled to an award of reasonable attorney fees and the costs of the action. An employee must commence such an action within one year after the date of termination of the employee's employment.

Sec. 3. Section 357J.4, Code 2009, is amended to read as follows:

357J.4 DISTRICT -- BOUNDARY CHANGES.

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

a. The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

(1) The commission.

(2) The board of township trustees of the area proposed to be included or excluded from the district.

(3) The district fire chief.

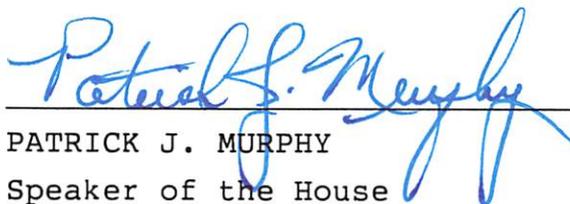
(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.

b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request.

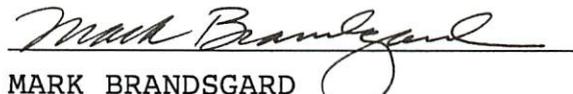
Sec. 4. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this Act amending section 80.28, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 19, 2009. The section of this

Act amending section 357J.4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

  
PATRICK J. MURPHY  
Speaker of the House

  
JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 671, Eighty-third General Assembly.

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved May 26<sup>th</sup>, 2009

  
CHESTER J. CULVER  
Governor