

AN ACT

REQUIRING PUBLIC EMPLOYEES CHARGED WITH A FELONY TO PAY A CIVIL PENALTY EQUAL TO THE CASH WAGES RECEIVED DURING A PAID LEAVE OF ABSENCE AND ANY CONTRACT TERMINATION PAYMENTS IF CONVICTED.

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

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

1. For the purposes of this section:

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

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

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

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

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

KRAIG PAULSEN
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 493, Eighty-fourth General Assembly.

W. CHARLES SMITHSON
Chief Clerk of the House

Approved _____, 2011

TERRY E. BRANSTAD
Governor