

H.F. 388 sub. for S.F. 164, 1/24/74, S.J.P. 185

MAR 9 1973

HOUSE FILE 388

Place On Calendar

By COMMITTEE ON HUMAN RESOURCES

*Senate, Human Resources, 4/13
Do Pass 1/21/74*

Passed House, Date 4-4-73 (746) Passed Senate, Date 1-24-74
Vote: Ayes 97 Nays 0 Vote: Ayes 48 Nays 0
*House Concurred 1-30-74 (25.)
88-0 Approved 3-4-74*

A BILL FOR

1 An Act relating to public employee leave of absence with pay.

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

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1 Section 1. Section seventy-nine point one (79.1),
2 unnumbered paragraph four (4), Code 1973, is amended to read
3 as follows:

4 Leave of absence of two and one-half working days each
5 month with pay may be granted in the discretion of the head
6 of any department, agency or commission to employees of such
7 department, agency or commission when necessary by reason
8 of sickness or injury; unused portions of such leave for any
9 one year may be accumulative to a total of ninety working
10 days. ~~Provided, however, that notwithstanding the foregoing~~
11 ~~limitations, state highway commission maintenance employees,~~
12 ~~uniformed members of the division of highway safety and~~
13 ~~uniformed force and members of the division of criminal~~
14 ~~investigation and bureau of identification and the division~~
15 ~~of drug law enforcement, except clerical workers, of the~~
16 ~~department of public safety may upon the recommendation of~~
17 ~~the commissioner with the approval of the executive council,~~
18 ~~be granted additional leave of absence with pay, for injuries~~
19 ~~sustained in line of duty.~~ Leave of absence in excess of
20 two and one-half working days each month may be granted on
21 recommendation of the head of any department, agency, or
22 commission and with the approval of the executive council
23 for an employee when unusual circumstances resulting from
24 employment are present which will cause hardship for the
25 employee. It is further provided that employees of
26 institutions under the state board of regents who are employed
27 for nine months or more in any twelve-month period shall be
28 entitled, in the discretion of the board, to a leave of absence
29 with pay of two and one-half working days for each month of
30 employment when necessary by reason of sickness or injury,
31 and such portion as is unused, may be accumulated to a total
32 of ninety working days.

33 Sec. 2. This Act, being deemed of immediate importance,
34 shall take effect and be in force from and after its publica-
35 tion in The Tri-County News, a newspaper published in Farm-

1 ington, Iowa, and in the Ames Daily Tribune, a newspaper
 2 published in Ames, Iowa.

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EXPLANATION

4 This bill provides that when unusual circumstances result
 5 from state employment service, leave of absence in excess
 6 of two and one-half working days may be granted to the affected
 7 state employee with the approval of the head of the depart-
 8 ment and the executive council. Allowances for similar
 9 occurrences for specific departments are stricken and more
 10 general language is provided to cover the same type of
 11 circumstances and more for all departments, not just a select
 12 few. The approval of the head of the department and the
 13 executive council is designed to insure this provision will
 14 not be abused, but retain the flexibility of the proposal.

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HOUSE FILE 388
 FISCAL NOTE

Date prepared January 21, 1974

Requested by Senator Schwieger.

Prepared in regard to House File 388 - An Act relating to
 public employee leave of absence with pay. Following is the
 fiscal effect in dollars of the legislative proposal as
 required by Senate Rule 31.

No fiscal estimate available.

During the calendar year 1973 one request for an
 extended sick leave was received and granted by the Executive
 Council. This request was for an additional 90 days of sick
 leave for a member of the Iowa Highway Patrol.

Source: Executive Council of Iowa.

Filed
 January 21, 1974

GERRY D. RANKIN
 Legislative Fiscal Director

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Amend House File 388 as follows:

1. Page 2, line 19, by striking the words "Leave of absence in excess of".

2. Page 2, by striking lines 20 through 24, inclusive.

3. Page 2, line 25, by striking the word "employee.".

4. Page 2, after line 32, by adding the following sections:

"Sec. 2. Section seventy-nine point one (79.1), Code 1973, is amended by adding the following new paragraph:

NEW PARAGRAPH. No employee of the state shall be required to use any leave of absence time as provided in this section, because of lost time due to an injury suffered while acting within the scope of his employment.

Sec. 3. Section eighty-five point two (85.2), Code 1973, is amended by adding the following new paragraph:

NEW PARAGRAPH. Any employee of the state, except as provided in section eighty-five point one (85.1) of the Code, who is injured in the course of his employment, shall receive his full weekly salary as compensation for the period of his temporary partial, or permanent partial disability, except as provided in section eighty-five point sixteen (85.16) of the Code.

Sec. 4. Section eighty-five point thirty-four (85.34), subsection two (2), is amended by adding the following new paragraph:

NEW PARAGRAPH. Any employee of the state, injured in the course of his employment shall be paid weekly compensation as provided in section eighty-five point two (85.2) of the Code.

Sec. 5. Section eighty-five point thirty-seven (85.37), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

In all cases where an employee receives a personal injury causing temporary disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for such temporary disability or for such healing period shall be upon the basis provided herein. The weekly benefit amount payable to any employee for any one week shall be, but shall not exceed an amount, rounded to the nearest dollar, equal to fifty percent of the state average weekly wage paid employees as determined by the Iowa employment security commission under the provisions of section 96.3, subsection 4, and in effect at the time of the injury. Total weekly compensation for any employee shall not exceed sixty-

53 six and two-thirds percent per week of the employee's
54 average weekly earnings, except as provided in section
55 eighty-five point two (85.2) of the Code; provided
56 further, that such compensation shall not be less
57 than eighteen dollars per week, except if at the time
58 of his injury his earnings are less than eighteen
59 dollars per week, then he shall receive in weekly
60 payments a sum equal to the full amount of his weekly
61 earnings."

62 5. Page 1, line 1, by inserting after the word
63 "pay" the words "resulting from injuries, and providing
64 workmen's compensation payments in lieu thereof".

H-242 Filed - *Sept 4/4*
April 2, 1973

By MONROE of Des Moines
CAFFREY of Polk

CORRECTED EXPLANATION

This bill provides that if an employee of the state shall be injured in the course of his employment, he shall not be required to use any leave of absence time, but shall receive workmen's compensation benefits based on 100% of his average weekly wage.

SENATE AMENDMENT TO HOUSE FILE 388

- 1 Amend House File 388 as follows:
- 2 1. Page 2, by striking lines 33 through 35.
- 3 2. Page 3, by striking lines 1 and 2.

Received from the Senate
January 28, 1974

House Concurred
1/30/74

S-2057

- 1 Amend House File 388 as follows:
- 2 1. Page 2, by striking lines 33 through 35.
- 3 2. Page 3, by striking lines 1 and 2.

S-2057 Filed and adopted
January 24, 1974

By DODERER