

Reprinted 4/87

Labor and Industrial Relations: Peters. Chair: Buhr and Eddie.

Dr. Peters 3/20/87 (p. 203)

MAR 18 1987

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 580

BY PAVICH, FEY, RUNNING,
RENAUD, DVORSKY, WISE,
BISIGNANO, JOCHUM, DODERER,
BUHR, HAMMOND, CONNOLLY,
SHERZAN, CONNORS, PARKER,
HATCH, HOLVECK, GRUHN, ADAMS,
MULLINS, CLARK, HARPER, TEAFORD,
NEUHAUSER, CARPENTER, and
HALVORSON of Webster

Passed House, Date 4-1-87 (p. 1030) Passed Senate, Date 4/21/87 (P. 1431)

Vote: Ayes 87 Nays 8 Vote: Ayes 49 Nays 1

Approved June 5, 1987

A BILL FOR

1 An Act relating to the granting of leaves of absence to persons
2 disabled by pregnancy, providing for their reinstatement, and
3 providing a penalty.

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

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HF 580

1 Section 1. NEW SECTION. 730.5 MATERNITY LEAVE.

2 1. As used in this section the following definitions
3 apply:

4 a. "Employee" means a natural person who is employed in
5 this state for wages by an employer. Employee also includes a
6 commission salesperson who takes orders or performs services
7 on behalf of a principal and who is paid on the basis of
8 commissions, but does not include persons who purchase for
9 their own account for resale.

10 b. "Employer" means a person, who in this state employs
11 for wages more than twenty-five natural persons. An employer
12 does not include a client, patient, customer, or other person
13 who obtains professional services from a licensed person who
14 provides services on a fee service basis or as an independent
15 contractor. An employer also does not include a fraternal,
16 charitable, or religious association or corporation if the
17 association or corporation is not organized either for private
18 profit or to provide accommodations or services that are
19 available on a nonmembership basis. An employer does include
20 the state of Iowa, or a political subdivision of the state if
21 the subdivision employs more than twenty-five natural persons.

22 2. An employer shall not do any of the following"

23 a. Terminate the employment of a person disabled by
24 pregnancy because of the pregnancy.

25 b. Refuse to grant to an employee who is disabled by a
26 pregnancy a leave of absence if the leave of absence is for
27 four months or less. However, the employee must provide
28 timely notice of the period of leave requested and the
29 employer must approve any change in the period requested
30 before it is effective. Before granting the leave of absence,
31 the employer may require that the employee's disability
32 resulting from pregnancy be verified by medical certification
33 stating that the employee is not able to reasonably perform
34 the duties of employment.

35 c. Deny to an employee who is disabled as a result of

1 pregnancy any compensation to which the person is entitled as
2 a result of the accumulation of disability or leave (including
3 vacation leave) benefits accrued pursuant to plans maintained
4 by the employer. However, an employee is not entitled to
5 wages and benefits that the employee would have received or
6 accrued if the pregnancy had not resulted in disability,
7 unless the employee and employer otherwise agree.

8 d. Require a leave of absence for longer than the period
9 of disability by an employee because of the employee's
10 pregnancy.

11 e. Refuse to reinstate an employee disabled as a result of
12 pregnancy, who returns from a leave of absence as provided in
13 this section, to the position held by the employee prior to
14 the leave of absence or to an equivalent position, if the
15 refusal is based on pregnancy. The reinstated employee shall
16 not be denied the same level of wages, accumulated seniority,
17 types of benefits, opportunities for promotion, and terms
18 relating to retirement as held by or available to the employee
19 before the leave of absence, if the denial is based on the
20 pregnancy.

21 3. An employer who violates this section shall be guilty
22 of a serious misdemeanor and shall be liable for all damages
23 sustained by persons suffering an injury from the violation.

24 EXPLANATION

25 This bill provides that certain employers must grant leaves
26 of absence to persons disabled because of pregnancy and
27 provide for the reinstatement of the persons following their
28 return to work. It also provides for penalties.

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DAILY
HOUSE CLIP SHEET

MONDAY, MARCH 30, 1987

HOUSE FILE 580
FISCAL NOTE

REQUESTED BY REPRESENTATIVE PETERS

In compliance with a written request received March 20, 1987, a fiscal note for **HOUSE FILE 580** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 580 provides that certain employers must grant leaves of absence to persons disabled because of pregnancy and provide for the reinstatement of the persons following their return to work. It also provides for penalties.

As defined by House File 580 an "employer" means a person, who in this state employs for wages more than 25 natural persons.

An employer does not include a client, patient, customer, or other person who obtains professional services from a licensed person who provides services on a fee service basis or an independent contractor. An employer also does not include a fraternal, charitable, or religious organization if the association is not organized either for private profit or to provide accommodations or services that are available on a nonmembership basis.

An employer does include the state of Iowa, or a political subdivision of the state if the subdivision employs more than 25 persons.

FISCAL IMPACT: The state of Iowa provides that medically related disabilities caused by pregnancy or recovery from childbirth shall be covered by sick leave. Therefore, this bill would not have a fiscal impact on the general fund of the state.

The fiscal impact on political subdivisions, and other employers as defined in the bill, cannot be estimated.

Sources: Dept. of Personnel
Dept. of Transportation
Dept. of Management
Dept. of Employment Services
Board of Regents

(LSB 1120H, SES)

FILED MARCH 27, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 580

H-3331

- 1 Amend House File 580 as follows:
- 2 1. Page 1, line 22, by striking the word
- 3 "following" and inserting the word "following:"
- 4 2. Page 2, line 11, by striking the word
- 5 "disables" and inserting the word "disabled".

H-3331 FILED MARCH 24, 1987 BY SHERZAN of Polk
Adopted 4/1/87 (p. 1029)

HOUSE FILE 580

H-3529

- 1 Amend House File 580 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "verified" the following: ", at the expense of the
- 4 employer,".
- 5 2. Page 1, line 34, by inserting after the word
- 6 "employment." the following: "However, the employer
- 7 shall not require more than two medical certifications
- 8 from an employee."
- 9 3. Page 2, line 14, by striking the word "an" and
- 10 inserting the following: "a substantially".

H-3529 FILED APRIL 1, 1987 BY COREY of Louisa
 OUT OF ORDER (*p. 1030*)

HOUSE FILE 580

H-3532

- 1 Amend House File 580 as follows:
- A 2 1. Page 1, line 27, by striking the words "four
- 3 months" and inserting the following: "eight weeks".
- B 4 2. Page 2, line 11, by striking the word
- 5 "disables" and inserting the following: "disabled".
- 6 3. Page 2, lines 21 and 22, by striking the words
- 7 "shall be guilty of a serious misdemeanor and".
- A 8 4. Title page, line 3, by striking the words "a
- 9 penalty" and inserting the following: "for an
- 10 employer's liability".

BY SHERZAN of Polk
 DODERER of Johnson
 COREY of Louisa

H-3532 FILED APRIL 1, 1987 PAVICH of Pottawattamie
 DIVISION A - ADOPTED, DIVISION B - WITHDRAWN (*p. 1030*)

HOUSE FILE 580

H-3543

- 1 Amend the amendment, H-3532, to House File 580, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and
- 4 inserting the following:
- 5 " ". Page 2, by striking lines 21 through 23 and
- 6 inserting the following:
- 7 "3. An employee disabled because of pregnancy, who
- 8 has been harmed by an employer's violation of this
- 9 section is entitled to be reinstated to the position
- 10 held by the employee prior to the leave of absence or
- 11 to a substantially equivalent position, or to any
- 12 other equitable relief deemed appropriate, by a court
- 13 of competent jurisdiction."

H-3543 FILED APRIL 1, 1987 BY COREY of Louisa
Adopted 4/1 (p. 1029)

HOUSE FILE 580

556

1 Amend House File 580 as amended, passed and
2 reprinted by the House as follows:

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

5 "Section 1. Section 601A.6, Code 1987, is amended
6 by adding the following new subsection after
7 subsection 1 and renumbering the subsequent
8 subsections:

9 NEW SUBSECTION. 2. Employment policies relating
10 to pregnancy and childbirth shall be governed by the
11 following:

12 a. A written or unwritten employment policy or
13 practice which excludes from employment applicants or
14 employees because of pregnancy is a prima-facie
15 violation of this chapter, and may be justified only
16 upon showing of business necessity.

17 b. Disabilities caused or contributed to by
18 pregnancy, miscarriage, childbirth, and recovery
19 therefrom are, for all job-related purposes, temporary
20 disabilities and shall be treated as such under any
21 health or temporary disability insurance or sick leave
22 plan available in connection with employment. Written
23 and unwritten employment policies and practices
24 involving matters such as the commencement and
25 duration of leave, the availability of extensions, the
26 accrual of seniority and other benefits and
27 privileges, reinstatement, and payment under any
28 health or temporary disability insurance or sick leave
29 plan, formal or informal, shall be applied to a
30 disability due to pregnancy or childbirth on the same
31 terms and conditions as they are applied to other
32 temporary disabilities.

33 c. Disabilities caused or contributed to by legal
34 abortion and recovery therefrom are, for all job-
35 related purposes, temporary disabilities and shall be
36 treated as such under any temporary disability or sick
37 leave plan available in connection with employment.
38 Written and unwritten employment policies and
39 practices involving matters such as the commencement
40 and duration of leave, the availability of extensions,
41 the accrual of seniority and other benefits and
42 privileges, reinstatement, and payment under any
43 temporary disability insurance or sick leave plan,
44 formal or informal, shall be applied to a disability
45 due to legal abortion on the same terms and conditions
46 as they are applied to other temporary disabilities.
47 The employer may elect to exclude health insurance
48 coverage for abortion from a plan provided by the
49 employer, except where the life of the mother would be
50 endangered if the fetus were carried to term or where

S-3556 pg. 2

1 medical complications have arisen from an abortion.
2 d. An employer shall not terminate the employment
3 of a person disabled by pregnancy because of the
4 pregnancy.

5 e. Where a leave is not available or a sufficient
6 leave is not available under any health or temporary
7 disability insurance or sick leave plan available in
8 connection with employment, the employer shall not
9 refuse to grant to an employee who is disabled by a
10 pregnancy a leave of absence if the leave of absence
11 is for eight weeks or less. However, the employee
12 must provide timely notice of the period of leave
13 requested and the employer must approve any change in
14 the period requested before the change is effective.
15 Before granting the leave of absence, the employer may
16 require that the employee's disability resulting from
17 pregnancy be verified by medical certification stating
18 that the employee is not able to reasonably perform
19 the duties of employment."

20 2. Title page, by striking lines 2 and 3 and
21 inserting the following: "disabled by pregnancy."

S-3556

Filed April 14, 1987

BY TOM MANN, JR.

*Adopted as amended by 3710 & 3715
4/21/87 (7 1431)*

HOUSE FILE 580

S-3503

1 Amend House File 580 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by striking lines 15 through 20 and
4 inserting the following: "refusal is based on
5 pregnancy. However, if the position or an equivalent
6 position is not available, the leave of absence shall
7 be extended for not less than four additional weeks.
8 If a vacancy for a suitable position occurs within the
9 additional period, the employee shall be given first
10 priority to be selected by the employer for the
11 position. The employer shall not deny to the employee
12 for the additional period, any remaining compensation
13 to which the person is entitled as a result of the
14 accumulation of disability or leave benefits,
15 including vacation leave benefits, accrued pursuant to
16 plans maintained by the employer."

17 2. Page 2, by striking lines 21 through 23, and
18 inserting the following: "An employee disabled
19 because of pregnancy, who has been harmed by an
20 employer's violation of this section, is entitled to
21 reinstatement, or to any other equitable relief deemed
22 appropriate by a court of competent jurisdiction."

S-3503

Filed April 10, 1987

BY COMMITTEE ON BUSINESS AND LABOR
JAMES D. WELLS, Chairperson

Placed 4/10 4/21 (7 1431)

HOUSE FILE 580

S-3671

1 Amend the amendment, S-3556, to House File 580, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 9, by striking the word
5 "Employment" and inserting the following: "An
6 employer's employment".
7 2. Page 1, by inserting after line 11 the
8 following:
9 "a. As used in this subsection, "employee" means a
10 natural person who is employed in this state for wages
11 by an employer, if the person works for the customary
12 scheduled full-time hours prevailing in the
13 establishment in which the person is employed.
14 However, "employee" does not include a person who
15 holds a temporary or seasonal position."
16 3. Page 2, by inserting after line 19, the
17 following:
18 "f. This subsection shall not apply to an employer
19 who employs for wages twenty-five or fewer natural
20 persons in this state."
21 4. By renumbering as necessary.

S-3671

Filed April 16, 1987

BY JIM LIND

*Adopted 4/20/87 (p. 1348)
Reconsidered & lost 4/20 (p. 1348)*

HOUSE FILE 580

S-3672

1 Amend House File 580 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 9, by inserting after the word
4 "resale." the following: "However, the person must
5 work for the customary scheduled full-time hours
6 prevailing in the establishment in which the person is
7 employed. A person is not an employee if the person
8 holds a temporary or seasonal position in the
9 establishment."

S-3672

Filed April 16, 1987

BY JIM LIND

P. L. Lind 4/21 (p. 1431)

HOUSE FILE 580

S-3710

1 Amend the amendment, S-3556, to House File 580, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 14, by inserting after the words
5 "because of" the following: "the employee's".

6 2. Page 1, line 17, by inserting after the words
7 "to by" the following: "the employee's".

8 3. Page 1, line 30, by inserting after the words
9 "due to" the following: "the employee's".

10 4. Page 1, line 30, by striking the word
11 "childbirth" and inserting the following: "giving
12 birth,".

13 5. Page 2, line 3, by inserting after the words
14 "of the" the following: "employee's".

15 6. Page 2, line 8, by inserting after the word
16 "employer" the following: "of the pregnant employee".

17 7. Page 2, line 9, by striking the words "an
18 employee who is disabled by a" and inserting the
19 following: "the employee who is disabled by the".

S-3710

Filed April 21, 1987

BY JIM LIND

ADOPTED (p. 1430)

HOUSE FILE 580

S-3715

1 Amend the amendment, S-3556, to House File 580, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 4, by inserting after the word
5 "pregnancy" the following: ", unless the termination
6 is justified by a showing of business necessity".

7 2. Page 2, line 11, by striking the words "eight
8 weeks or less" and inserting the following: "the
9 period that the employee is disabled because of the
10 employee's pregnancy, childbirth, or related medical
11 conditions, or for eight weeks, whichever is less".

S-3715

Filed April 21, 1987

BY DAVID M. READINGER

ADOPTED (p. 1430)

TOM MANN, JR.

JIM LIND

HOUSE FILE 580

S-3716

- 1 Amend House File 580 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 24, by inserting after the words
- 4 "of the" the following: "employee's".
- 5 2. Page 1, line 25, by striking the words "is
- 6 disabled by a" and inserting the following: "becomes
- 7 pregnant and is disabled by the".
- 8 3. Page 1, line 35, by striking the words "is
- 9 disabled as a result of" and inserting the following:
- 10 "becomes pregnant and is disabled as a result of the".
- 11 4. Page 2, line 11, by striking the words
- 12 "disabled as a result of" and inserting the following:
- 13 "who becomes pregnant and is disabled as a result of
- 14 the".
- 15 5. Page 2, line 12, by inserting after the word
- 16 "pregnancy," the following: "and".

S-3716

Filed April 21, 1987

BY JIM LIND

RULED OUT OF ORDER. (p. 1431)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 580

S-3924

- 1 Amend the Senate amendment, S-3889, to House File
- 2 580, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 15 and 16 and
- 5 inserting the following: "prima facie violation of
- 6 this chapter."
- 7 2. Page 2, by striking lines 4 and 5 and
- 8 inserting the following: "employee's pregnancy."

S-3924

Filed April 30, 1987

RECEIVED FROM THE HOUSE

Senate concurred 5/4/87 (p. 1674)

SENATE AMENDMENT TO HOUSE FILE 580

H-3889

1 Amend House File 580 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 601A.6, Code 1987, is amended
6 by adding the following new subsection after
7 subsection 1 and renumbering the subsequent
8 subsections:
9 NEW SUBSECTION. 2. Employment policies relating
10 to pregnancy and childbirth shall be governed by the
11 following:
12 a. A written or unwritten employment policy or
13 practice which excludes from employment applicants or
14 employees because of the employee's pregnancy is a
15 prima-facie violation of this chapter, and may be
16 justified only upon showing of business necessity.
17 b. Disabilities caused or contributed to by the
18 employee's pregnancy, miscarriage, childbirth, and
19 recovery therefrom are, for all job-related purposes,
20 temporary disabilities and shall be treated as such
21 under any health or temporary disability insurance or
22 sick leave plan available in connection with
23 employment. Written and unwritten employment policies
24 and practices involving matters such as the
25 commencement and duration of leave, the availability
26 of extensions, the accrual of seniority and other
27 benefits and privileges, reinstatement, and payment
28 under any health or temporary disability insurance or
29 sick leave plan, formal or informal, shall be applied
30 to a disability due to the employee's pregnancy or
31 giving birth, on the same terms and conditions as they
32 are applied to other temporary disabilities.
33 c. Disabilities caused or contributed to by legal
34 abortion and recovery therefrom are, for all job-
35 related purposes, temporary disabilities and shall be
36 treated as such under any temporary disability or sick
37 leave plan available in connection with employment.
38 Written and unwritten employment policies and
39 practices involving matters such as the commencement
40 and duration of leave, the availability of extensions,
41 the accrual of seniority and other benefits and
42 privileges, reinstatement, and payment under any
43 temporary disability insurance or sick leave plan,
44 formal or informal, shall be applied to a disability
45 due to legal abortion on the same terms and conditions
46 as they are applied to other temporary disabilities.
47 The employer may elect to exclude health insurance
48 coverage for abortion from a plan provided by the
49 employer, except where the life of the mother would be
50 endangered if the fetus were carried to term or where

H-3889

Page Two

1 medical complications have arisen from an abortion.

2 d. An employer shall not terminate the employment
3 of a person disabled by pregnancy because of the
4 employee's pregnancy, unless the termination is
5 justified by a showing of business necessity.

6 e. Where a leave is not available or a sufficient
7 leave is not available under any health or temporary
8 disability insurance or sick leave plan available in
9 connection with employment, the employer of the
10 pregnant employee shall not refuse to grant to the
11 employee who is disabled by the pregnancy a leave of
12 absence if the leave of absence is for the period that
13 the employee is disabled because of the employee's
14 pregnancy, childbirth, or related medical conditions,
15 or for eight weeks, whichever is less. However, the
16 employee must provide timely notice of the period of
17 leave requested and the employer must approve any
18 change in the period requested before the change is
19 effective. Before granting the leave of absence, the
20 employer may require that the employee's disability
21 resulting from pregnancy be verified by medical
22 certification stating that the employee is not able to
23 reasonably perform the duties of employment."

24 2. Title page, by striking lines 2 and 3 and
25 inserting the following: "disabled by pregnancy."

H-3889 FILED APRIL 21, 1987 RECEIVED FROM THE SENATE

*Senat. amended (4039) & concurred
4/22/87 (p 1702)*

HOUSE FILE 580

H-4039

1 Amend the Senate amendment, H-3389, to House File
2 580, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 15 and 16 and
5 inserting the following: "prima facie violation of
6 this chapter."

7 2. Page 2, by striking lines 4 and 5 and
8 inserting the following: "employee's pregnancy."

H-4039 FILED APRIL 28, 1987 BY SHERZAN of Polk

Adopted 4/22/87 (p 1703)

Gen. Business 4/3/87
Amend (3503) & Be Pass 4/10/87 (p. 1216)

HOUSE FILE 580

BY PAVICH, FEY, RUNNING,
RENAUD, DVORSKY, WISE,
BISIGNANO, JOCHUM, DODERER,
BUHR, HAMMOND, CONNOLLY,
SHERZAN, CONNORS, PARKER,
HATCH, HOLVECK, GRUHN, ADAMS,
MULLINS, CLARK, HARPER, TEAFORD,
NEUHAUSER, CARPENTER, and
HALVORSON of Webster

(As Amended and Passed by the House April 1, 1987)

Be Passed House, Date 4/28/87 (p. 1702) Passed Senate, Date 4/21/87 (p. 1431)

Vote: Ayes 65 Nays 23 Vote: Ayes 49 Nays 1

Approved June 5, 1987
Referred Senate 5/4/87 (p. 1674)
38-5

A BILL FOR

1 An Act relating to the granting of leaves of absence to persons
2 disabled by pregnancy, providing for their reinstatement, and
3 providing for an employer's liability.

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

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House Amendment _____

Deleted Language *

1 Section 1. NEW SECTION. 730.5 MATERNITY LEAVE.

2 1. As used in this section the following definitions
3 apply:

4 a. "Employee" means a natural person who is employed in
5 this state for wages by an employer. Employee also includes a
6 commission salesperson who takes orders or performs services
7 on behalf of a principal and who is paid on the basis of
8 commissions, but does not include persons who purchase for
9 their own account for resale.

10 b. "Employer" means a person, who in this state employs
11 for wages more than twenty-five natural persons. An employer
12 does not include a client, patient, customer, or other person
13 who obtains professional services from a licensed person who
14 provides services on a fee service basis or as an independent
15 contractor. An employer also does not include a fraternal,
16 charitable, or religious association or corporation if the
17 association or corporation is not organized either for private
18 profit or to provide accommodations or services that are
19 available on a nonmembership basis. An employer does include
20 the state of Iowa, or a political subdivision of the state if
21 the subdivision employs more than twenty-five natural persons.

22 2. An employer shall not do any of the following:

23 a. Terminate the employment of a person disabled by
24 pregnancy because of the pregnancy.

25 b. Refuse to grant to an employee who is disabled by a
26 pregnancy a leave of absence if the leave of absence is for
27 eight weeks or less. However, the employee must provide
28 timely notice of the period of leave requested and the
29 employer must approve any change in the period requested
30 before it is effective. Before granting the leave of absence,
31 the employer may require that the employee's disability
32 resulting from pregnancy be verified by medical certification
33 stating that the employee is not able to reasonably perform
34 the duties of employment.

35 c. Deny to an employee who is disabled as a result of

1 pregnancy any compensation to which the person is entitled as
2 a result of the accumulation of disability or leave (including
3 vacation leave) benefits accrued pursuant to plans maintained
4 by the employer. However, an employee is not entitled to
5 wages and benefits that the employee would have received or
6 accrued if the pregnancy had not resulted in disability,
7 unless the employee and employer otherwise agree.

8 d. Require a leave of absence for longer than the period
9 of disability by an employee because of the employee's
10 pregnancy.

11 e. Refuse to reinstate an employee disabled as a result of
12 pregnancy, who returns from a leave of absence as provided in
13 this section, to the position held by the employee prior to
14 the leave of absence or to an equivalent position, if the
15 refusal is based on pregnancy. The reinstated employee shall
16 not be denied the same level of wages, accumulated seniority,
17 types of benefits, opportunities for promotion, and terms
18 relating to retirement as held by or available to the employee
19 before the leave of absence, if the denial is based on the
20 pregnancy.

*21 3. An employer who violates this section shall be liable
22 for all damages sustained by persons suffering an injury from
23 the violation.

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HOUSE FILE 580

AN ACT

RELATING TO THE GRANTING OF LEAVES OF ABSENCE TO PERSONS
DISABLED BY PREGNANCY.

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

Section 1. Section 601A.6, Code 1987, is amended by adding the following new subsection after subsection 1 and renumbering the subsequent subsections:

NEW SUBSECTION. 2. Employment policies relating to pregnancy and childbirth shall be governed by the following:

a. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.

b. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and

conditions as they are applied to other temporary disabilities.

c. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

d. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.

e. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that

the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 580, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 5, 1987

TERRY E. BRANSTAD
Governor