

MAR 22 1999

TRANSPORTATION

HOUSE FILE
BY TAYLOR

739

(COMPANION TO LSB 2651SS BY
HORN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring trauma counseling and leave for railroad
2 employees involved in certain railroad accidents.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 739

1 Section 1. NEW SECTION. 327F.32 RAILROAD ACCIDENTS --
2 EMPLOYEE LEAVE AND TRAUMA COUNSELING.

3 1. A railroad company shall make trauma counseling
4 available to an employee of the railroad company involved in
5 an accident on a railway or right of way under the control of
6 the company if the accident results in the death of or serious
7 bodily injury to a person. The counseling shall be made
8 available to the employee within forty-eight hours of the
9 accident.

10 2. An employee involved in an accident described in
11 subsection 1 shall be given leave from duty with compensation
12 and applicable benefits for a minimum of three days following
13 the accident. If the railroad company makes an affirmative
14 showing that the accident was due to the negligence or willful
15 act of an employee involved in an accident described in
16 subsection 1, the leave provided to the employee who acted
17 negligently or willfully may be provided without compensation
18 and benefits.

19 3. An engineer returning to duty following leave provided
20 pursuant to subsection 2 shall, upon request, be assigned an
21 assistant engineer or other qualified person to accompany the
22 engineer for such time as may be necessary to guarantee the
23 public safety or until a qualified medical practitioner
24 determines that the engineer does not suffer from a
25 posttraumatic stress disorder.

26 4. The director shall adopt rules for administration and
27 enforcement of this section.

28 EXPLANATION

29 This bill requires a railroad company to provide trauma
30 counseling and leave to railroad employees involved in an
31 accident on a railway or railroad right of way if the accident
32 involved the death of or serious bodily injury to a person.
33 The counseling shall be made available within 48 hours of an
34 accident. The leave shall be for a minimum of three days
35 following the accident and shall be provided with compensation

1 and benefits unless the railroad company shows that the
2 accident was due to the negligence or willful act of the
3 employee.

4 The bill also provides that an engineer to whom leave was
5 provided under the bill shall, upon returning to duty, be
6 assigned an assistant engineer or other qualified person to
7 accompany the engineer if the engineer so requests. The
8 assistant engineer or other qualified person shall accompany
9 the engineer for such time as may be necessary to guarantee
10 the public safety or until a qualified medical practitioner
11 determines that the engineer does not suffer from a
12 posttraumatic stress disorder.

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