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SENATE FILE

402

BY LUNDBY

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

A BILL FOR

1 An Act relating to providing family and medical leave for
 2 employees and providing a penalty.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 402
BUSINESS & LABOR

1 Section 1. NEW SECTION. 91F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Eligible employee" means an employee as defined in
5 section 91A.2 who has been employed for at least twelve months
6 by the employer with respect to whom leave is requested and
7 for at least one thousand two hundred fifty hours of service
8 with such employer during the previous twelve-month period.

9 2. "Employer" means an employer as defined in section
10 91A.2.

11 3. "Parent" means a biological or adoptive parent of an
12 employee.

13 4. "Serious health condition" means an illness, injury,
14 impairment, or physical or mental condition that involves
15 inpatient care in a hospital, hospice, or residential facility
16 or continuing treatment by a health care provider.

17 5. "Son or daughter" means a biological, adopted, or
18 foster child, a stepchild, a legal ward, or a child of a
19 person standing in loco parentis who is under eighteen years
20 of age or is eighteen years of age or older and incapable of
21 self-care because of a mental or physical disability.

22 6. "Spouse" means a husband or wife.

23 Sec. 2. NEW SECTION. 91F.2 FAMILY AND MEDICAL LEAVE
24 AUTHORIZED.

25 1. An eligible employee shall be entitled to a total of
26 twelve work weeks of leave during any twelve-month period for
27 one or more of the following:

28 a. Because of the birth of a son or daughter of the
29 employee and in order to care for such son or daughter.

30 b. Because of the placement of a son or daughter with the
31 employee for adoption or foster care.

32 c. In order to care for the spouse, or a son, daughter, or
33 parent of the employee, if such spouse, son, daughter, or
34 parent has a serious health condition.

35 d. Because of a serious health condition that makes the

1 employee unable to perform the functions of the position of
2 such employee.

3 2. The entitlement to leave under paragraphs "a" and "b"
4 for a birth or placement of a son or daughter shall expire at
5 the end of the twelve-month period beginning on the date of
6 such birth or placement.

7 Sec. 3. NEW SECTION. 91F.3 LEAVE REQUIREMENTS.

8 1. An employer shall not be required to pay an eligible
9 employee for any leave taken pursuant to section 91F.2.
10 However, an eligible employee taking a leave permitted by this
11 chapter may elect, or an employer may require the employee, to
12 substitute for leave allowed under this chapter, any of the
13 employee's accrued vacation leave or other accrued time off
14 during this period or any other paid or unpaid time off
15 negotiated with the employer. However, an employee shall not
16 use sick leave during the period of the family and medical
17 leave unless mutually agreed to by the employer and the
18 employee.

19 2. If the employee's need for a leave pursuant to this
20 section is foreseeable, the employee shall provide the
21 employer with reasonable advance notice of the need for the
22 leave.

23 Sec. 4. NEW SECTION. 91F.4 PENALTIES -- ENFORCEMENT.

24 1. It shall be unlawful for an employer to refuse to hire,
25 discharge, fine, suspend, expel, or discriminate against, any
26 individual for exercising the individual's rights to take
27 leave pursuant to this chapter.

28 2. An employer who violates this chapter commits a simple
29 misdemeanor.

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EXPLANATION

31 This bill provides that certain eligible employees shall be
32 entitled to take leave, including unpaid leave, for up to 12
33 work weeks in a 12-month period because of a birth or adoption
34 of a son or daughter or because of a serious health condition
35 of the employee or the employee's son or daughter, spouse, or

1 parent. The bill provides definitions for "eligible
 2 employee", "employer", "parent", "serious health condition",
 3 "son or daughter", and "spouse". An eligible employee is
 4 defined as a person employed for at least 12 months by the
 5 employer and who had 1,250 hours of service with the employer
 6 in the last 12 months. An "employer" is defined as provided
 7 in the chapter governing wage payment collection as a person
 8 who employs a natural person for wages. The bill provides for
 9 how the leave will be taken, whether paid or unpaid, and that
 10 an eligible employee should make an effort to provide advance
 11 notice that the leave may be taken. The bill provides that an
 12 employer who violates this chapter commits a simple
 13 misdemeanor.

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