

# Senate File 276 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1063)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring reimbursement of the division of labor services  
2 of the department of workforce development when the labor  
3 commissioner or an employee of the division of labor services  
4 is compelled to give testimony or depositions concerning their  
5 official duties in civil proceedings.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1414SV 82  
8 ak/es/88

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1 1 Section 1. NEW SECTION. 91.13 CIVIL PROCEEDINGS.  
1 2 1. When the labor commissioner or an employee of the  
1 3 division of labor services of the department of workforce  
1 4 development is compelled to testify or to give a deposition  
1 5 concerning official job duties in civil proceedings to which  
1 6 the labor commissioner is not a party, the party compelling  
1 7 the testimony or deposition shall reimburse the division of  
1 8 labor services reasonable costs, including the following:  
1 9 a. Travel expenses, including mileage, meals, and lodging,  
1 10 which shall be paid at the applicable rates set for  
1 11 reimbursement to state employees.  
1 12 b. The hourly pay rate of the labor commissioner or  
1 13 division of labor services employee compelled, plus the hourly  
1 14 pay rate of a division of labor services attorney who shall  
1 15 accompany the labor commissioner or employee. The hourly pay  
1 16 rate shall be reimbursed for time spent in deposition and  
1 17 trial and for travel time and wait time. For the purposes of  
1 18 this section, "wait time" means time after the subpoena is  
1 19 served until the labor commissioner or division of labor  
1 20 services employee is released during which time the labor  
1 21 commissioner, division of labor services attorney, or division  
1 22 of labor services employee is unable to perform all or some  
1 23 job duties due to the potential enforcement of the subpoena,  
1 24 but for no more than eight hours a day.  
1 25 2. The labor commissioner shall send to the party that  
1 26 compelled the testimony or deposition an itemized invoice  
1 27 stating the amounts owed pursuant to subsection 1 and the  
1 28 total amount owed. If the invoice is not paid in full within  
1 29 sixty days, the labor commissioner may file a petition for  
1 30 enforcement with the clerk of court. Unless otherwise ordered  
1 31 by the court, the clerk of court shall enter a decree  
1 32 enforcing the order and shall transmit a copy of the decree to  
1 33 the party that compelled the testimony or deposition.

### EXPLANATION

1 35 This bill requires parties that compel the labor  
2 1 commissioner or an employee of the division of labor services  
2 2 of the department of workforce development to give a  
2 3 deposition or to testify in a civil proceeding in which the  
2 4 commissioner is not a party to reimburse the division for  
2 5 reasonable costs.  
2 6 The reimbursable costs include travel expenses at the rate  
2 7 set for state employees and the hourly pay rate of the  
2 8 employee compelled plus the hourly pay rate of a division  
2 9 attorney who accompanies the employee. The division shall be  
2 10 reimbursed at the hourly pay rate for time spent in trial and  
2 11 deposition and for the travel time and wait time, which is the  
2 12 time after the subpoena is served and the employee is released  
2 13 and during which the employee is unable to perform all or some  
2 14 job duties due to potential enforcement of the subpoena.

2 15 The commissioner shall send an itemized invoice to the  
2 16 party who subpoenaed the employee. If the amount is not paid  
2 17 in 60 days, the commissioner may file for a petition of  
2 18 enforcement in district court.  
2 19 LSB 1414SV 82  
2 20 ak:nh/es/88