

# House File 428 - Introduced

HOUSE FILE \_\_\_\_\_  
BY SANDS

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

## A BILL FOR

1 An Act providing volunteer emergency services providers serving  
2 in a disaster area certain employment protections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2153YH 83  
5 ak/nh/5

PAG LIN

1 1 Section 1. NEW SECTION. 100B.14 VOLUNTEER JOB PROTECTION  
1 2 == DISASTERS.  
1 3 1. This section shall be known as the "Volunteer Emergency  
1 4 Services Providers Disaster Job Protection Act".  
1 5 2. For the purposes of this section, the following  
1 6 definitions apply unless the context otherwise requires:  
1 7 a. "Disaster area" means an area declared a disaster area  
1 8 pursuant to a proclamation by the governor under section 29C.6  
1 9 or pursuant to a major disaster declaration by the president  
1 10 of the United States.  
1 11 b. "Volunteer emergency services provider" means a  
1 12 volunteer fire fighter as defined in section 85.61, a reserve  
1 13 peace officer as defined in section 80D.1A, an emergency  
1 14 medical care provider as defined in section 147A.1, or other  
1 15 personnel having voluntary emergency service duties and who  
1 16 are not paid full-time by the entity for which the services  
1 17 are performed.  
1 18 3. A public or private employer shall not terminate an  
1 19 employee for joining a volunteer emergency services unit or  
1 20 organization, including but not limited to any municipal,  
1 21 rural, or subscription fire department.  
1 22 4. A public or private employer shall not terminate an  
1 23 employee who is a volunteer emergency services provider who,  
1 24 because the employee was fulfilling the employee's duties as a  
1 25 volunteer emergency services provider in a disaster area, is  
1 26 absent from or late to work.  
1 27 5. An employer may deduct from an employee's regular pay  
1 28 an equivalent amount for time that an employee who is a  
1 29 volunteer emergency services provider is absent from work  
1 30 while performing duties in a disaster area as a volunteer  
1 31 emergency services provider. However, the period of absence  
1 32 shall in no way affect the employee's rights to vacation, sick  
1 33 leave, bonus, or other employment benefits relating to the  
1 34 employee's particular employment.  
1 35 6. An employer may request that an employee who is a  
2 1 volunteer emergency services provider and who is absent from  
2 2 work while responding to an emergency in a disaster area  
2 3 provide the employer with a written statement from the  
2 4 supervisor or acting supervisor of the volunteer emergency  
2 5 services unit or organization stating that the employee  
2 6 responded to an emergency and stating the date and time of the  
2 7 emergency.  
2 8 7. An employee who is a volunteer emergency services  
2 9 provider and who may be absent from or late to work while  
2 10 performing duties in a disaster area as a volunteer emergency  
2 11 services provider shall make a reasonable effort to notify the  
2 12 employer that the employee may be absent or late.  
2 13 8. An employee who is terminated in violation of this  
2 14 section may bring a civil action against the employer. The  
2 15 employee may seek reinstatement to the employee's former  
2 16 position, payment of back wages, reinstatement of fringe  
2 17 benefits, and, where seniority rights are granted,  
2 18 reinstatement of seniority rights. If the employee prevails  
2 19 in such an action, the employee shall be entitled to an award  
2 20 of reasonable attorney fees and the costs of the action. An

2 21 employee must commence such an action within one year after  
2 22 the date of the employee's termination.

2 23 EXPLANATION

2 24 This bill establishes the volunteer emergency services  
2 25 providers job disaster protection Act. The bill prohibits  
2 26 public and private employers from terminating employees who  
2 27 become volunteer emergency services providers or who are  
2 28 absent from or late to work due to the employee's service as a  
2 29 volunteer emergency services provider in an area for which the  
2 30 governor has proclaimed a disaster emergency or the United  
2 31 States president has declared a major disaster. If the  
2 32 employee misses work as a result of voluntary service, the  
2 33 employer may deduct an equivalent amount from the employee's  
2 34 wages. However, the employee's absence shall not affect the  
2 35 employee's right to take vacation, sick time, receive a bonus,  
3 1 or other employment benefits. The employer may require that  
3 2 the employee provide written verification of the employee's  
3 3 voluntary service.

3 4 The bill allows a volunteer emergency services provider who  
3 5 is terminated in violation of the bill to bring a civil action  
3 6 against the employer within one year of the violation. The  
3 7 employee may seek reinstatement of employment, back wages,  
3 8 benefits, and reinstatement of seniority. The bill also  
3 9 allows a successful employee to recover reasonable attorney  
3 10 fees and court costs.

3 11 LSB 2153YH 83

3 12 ak/nh/5.1