

House File 675 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 366)

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

A BILL FOR

1 An Act providing time off from work to attend presidential
2 precinct caucuses and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2373HV 83
5 ec/nh/8

PAG LIN

1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 2009, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (3) As an employer, denying an employee
1 4 the privilege conferred by section 43.4A to attend a precinct
1 5 caucus, or subjecting an employee to a penalty because of the
1 6 exercise of that privilege.

1 7 Sec. 2. NEW SECTION. 43.4A EMPLOYEES ENTITLED TO TIME TO
1 8 PARTICIPATE IN PRESIDENTIAL PRECINCT CAUCUSES.

1 9 1. Any person entitled to participate in a precinct caucus
1 10 held as part of the presidential nominating process in this
1 11 state who is required to be present at work for an employer
1 12 during the four-hour period starting one hour prior to the
1 13 time the precinct caucus starts is entitled to take unpaid
1 14 leave for as much of that four-hour period as is necessary to
1 15 participate in the precinct caucus except as provided by this
1 16 section. Application by any employee for such absence shall
1 17 be made to the employer individually and in writing
1 18 at least fourteen days prior to the time the precinct caucus
1 19 is scheduled to start. The employer shall not impose any
1 20 penalty nor shall any deduction be made from the person's
1 21 regular salary or wages for participating in a precinct caucus
1 22 pursuant to this section except for any loss of wages or
1 23 salary for the hours of unpaid leave actually used to
1 24 participate.

1 25 2. a. An application for an absence by an employee may be
1 26 denied by an employer if all the following circumstances
1 27 exist:

1 28 (1) The person is employed in an emergency services
1 29 position which shall include peace officer, fire fighter,
1 30 emergency medical personnel, and any other position that
1 31 seriously affects public health or safety, or is employed by
1 32 an entity that would experience severe economic or operational
1 33 disruption due to the person's absence.

1 34 (2) The employer provided a written notice to the employee
1 35 at least seven days prior to the date of the precinct caucus
2 1 specifying exigent circumstances justifying the denial of such
2 2 leave for personnel described in subparagraph (1) and
2 3 declaring the minimum number of such personnel needed during
2 4 the four-hour period described in subsection 1.

2 5 b. If the circumstances in paragraph "a" exist, then the
2 6 employer may deny the minimum number of employees applying for
2 7 an absence needed to yield the minimum staffing level as
2 8 specified in the written notice to the employee. The
2 9 selection of which employees applying for an absence shall be
2 10 denied shall be made without regard to political party
2 11 affiliation, political belief, or affiliation with or support
2 12 for any candidate, or for any of the grounds for which
2 13 employment discrimination is prohibited in this state.

2 14 3. An employer may, in lieu of providing unpaid leave to
2 15 affected employees to attend a presidential precinct caucus,
2 16 do any of the following:

2 17 a. Authorize paid leave to all affected employees.

2 18 b. Allow all affected employees the option to work
2 19 additional compensatory hours, at a time designated by the
2 20 employer not in conflict with the time needed for caucus
2 21 participation, equal in number to the number of hours taken to
2 22 participate in the presidential precinct caucus. The option
2 23 of working compensatory hours may be exercised individually by
2 24 each employee. Work done during the compensatory hours shall
2 25 be compensated in the same manner as work during regular
2 26 hours.

2 27 EXPLANATION

2 28 This bill provides that a person shall be entitled to
2 29 unpaid time off from work to attend a presidential precinct
2 30 caucus for up to four hours beginning one hour prior to the
2 31 start of the precinct caucus. The bill provides that the
2 32 employee shall make a written application with their employer
2 33 for such absence at least 14 days prior to the caucus and the
2 34 employer shall not impose any penalty nor shall any deduction
2 35 be made from the person's regular salary or wages except for
3 1 the period of time of the absence. The bill provides that the
3 2 requirement to allow time off does not apply if the person is
3 3 employed in an emergency services position or by an entity
3 4 that would experience severe economic disruption due to the
3 5 person's absence, the employer provides a written notice to
3 6 the employee specifying the exigent circumstances justifying
3 7 the denial of such leave and the minimum number of persons
3 8 needed to protect public health and safety or maintain minimum
3 9 operational capacity, the number of persons not applying for
3 10 leave is less than the minimum number specified by the
3 11 employer, and the denial of leave for those number of persons
3 12 needed to reach the minimum staffing number specified is done
3 13 in a nondiscriminatory manner.

3 14 The bill also permits an employer to provide paid leave for
3 15 the absence or to allow affected employees the option to work
3 16 the hours of the absence at such other time so long as either
3 17 option is made available to all affected employees.

3 18 The bill provides that an employer who denies an employee
3 19 the privilege conferred by this bill to attend a presidential
3 20 precinct caucus commits election misconduct in the fourth
3 21 degree, a simple misdemeanor. A simple misdemeanor is
3 22 punishable by confinement for no more than 30 days or a fine
3 23 of at least \$65 but not more than \$625 or by both.

3 24 LSB 2373HV 83

3 25 ec/nh/8