

# Senate Study Bill 1195

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON BEALL)

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

## A BILL FOR

1 An Act providing for family military leave from employment for  
2 certain relatives of individuals called to active military  
3 service and providing a remedy.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1195SC 83  
6 ec/nh/14

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1 1 Section 1. NEW SECTION. 29A.110 CITATION.  
1 2 This subchapter shall be known and may be cited as the  
1 3 "Iowa Family Military Leave Act".  
1 4 Sec. 2. NEW SECTION. 29A.111 DEFINITIONS.  
1 5 As used in this subchapter, unless the context otherwise  
1 6 requires:  
1 7 1. "Employee" means any person employed by an employer.  
1 8 2. "Employee benefits" means all benefits, other than  
1 9 salary and wages, provided or made available to employees by  
1 10 an employer and includes group life insurance, health  
1 11 insurance, disability insurance, and pensions, regardless of  
1 12 whether the benefits are provided by a policy or practice of  
1 13 the employer.  
1 14 3. "Employer" means the state of Iowa or any political  
1 15 subdivision, board, commission, department, institution, or  
1 16 school district thereof, and every other person who regularly  
1 17 employs at least six employees within the state.  
1 18 4. "Family military leave" means time off from work  
1 19 requested by an employee to ease the transition of a family  
1 20 member who is called into or returning from duty in the armed  
1 21 forces of the United States.  
1 22 Sec. 3. NEW SECTION. 29A.112 FAMILY MILITARY LEAVE.  
1 23 1. An employer shall allow an employee to take family  
1 24 military leave as provided in this section if all of the  
1 25 following conditions are met:  
1 26 a. The employee has been employed by the employer for at  
1 27 least twelve months and for at least one thousand two hundred  
1 28 fifty hours during the twelve-month period immediately  
1 29 preceding the commencement of family military leave.  
1 30 b. The employee is the parent or spouse of an individual  
1 31 who is a member of the reserve components of the armed forces  
1 32 of the United States or the national guard and who is called  
1 33 into active federal duty in the armed forces of the United  
1 34 States for a period of at least one hundred twenty consecutive  
1 35 days at a location more than two hundred fifty miles from the  
2 1 residence of the parent or spouse.  
2 2 c. The employee gives at least seven days' notice, or, for  
2 3 an employee requesting family military leave prior to the date  
2 4 of deployment, such advance notice as is practicable, to the  
2 5 employer of dates that the employee intends to take family  
2 6 military leave.  
2 7 d. The dates of the requested family military leave fall  
2 8 within either of the following deployment-related periods:  
2 9 (1) During a predeployment period, which commences two  
2 10 weeks before and ends one week after the date of deployment of  
2 11 the employee's spouse or child.  
2 12 (2) During a postdeployment period, which commences one  
2 13 week before and ends two weeks after the date the deployment  
2 14 of the employee's spouse or child ends. For purposes of this  
2 15 subparagraph, the deployment of an employee's spouse or child  
2 16 ends upon the date the deployment is completed or the date the  
2 17 spouse or child dies or incurs a serious injury preventing the

2 18 completion of the deployment.  
2 19 e. The employee has exhausted all accrued leave and  
2 20 compensatory time available to the employee, other than sick  
2 21 and disability leave.

2 22 2. The maximum family military leave allowed for an  
2 23 eligible period of military service is twenty-one days.  
2 24 However, no more than fourteen days of family military leave  
2 25 shall be allowed during the predeployment or postdeployment  
2 26 period.

2 27 3. An employer may require an employee requesting family  
2 28 military leave under this section to provide certification  
2 29 from the proper military authority to verify the employee's  
2 30 eligibility.

2 31 Sec. 4. NEW SECTION. 29A.113 EMPLOYER AND EMPLOYEE  
2 32 DUTIES, RIGHTS, AND RESPONSIBILITIES.

2 33 1. An employer shall continue to provide existing employee  
2 34 benefits to the employee during family military leave. The  
2 35 employee shall be responsible for the same proportion of the  
3 1 cost of such benefits as the employee paid before the leave  
3 2 period. The employer is not required to pay salary or wages  
3 3 to the employee while on family military leave.

3 4 2. Upon expiration of an employee's family military leave,  
3 5 the employer shall restore the employee to the position held  
3 6 by the employee when the leave commenced or to a position with  
3 7 at least equivalent seniority, benefits, pay, and other terms  
3 8 and conditions of employment.

3 9 3. An employer shall not discharge, fine, suspend, expel,  
3 10 discipline, or discriminate against an employee with respect  
3 11 to any term or condition of employment because of the  
3 12 employee's actual or potential exercise, or support for  
3 13 another employee's exercise, of any right under this  
3 14 subchapter. This section does not prevent an employer from  
3 15 taking employment action that is independent of the exercise  
3 16 of a right under this subchapter.

3 17 4. An employer shall not deprive an employee who takes  
3 18 family military leave of any employee benefit that accrued  
3 19 before the date the family military leave begins.

3 20 5. This subchapter does not affect an employer's  
3 21 obligation to comply with any collective bargaining agreement  
3 22 or employee benefit plan that provides greater leave rights to  
3 23 employees than provided under section 29A.112.

3 24 6. An employer shall not require an employee to waive  
3 25 rights under this subchapter and shall not interfere with,  
3 26 restrain, or deny the exercise or attempted exercise of a  
3 27 right provided under this subchapter. In addition, an  
3 28 employee's rights under this subchapter cannot be waived or  
3 29 diminished under a term in a collective bargaining agreement  
3 30 or employee benefit plan that takes effect on or after July 1,  
3 31 2009.

3 32 Sec. 5. NEW SECTION. 29A.114 ENFORCEMENT.

3 33 A civil action to enforce this subchapter may be brought by  
3 34 any employee in a district court having jurisdiction. The  
3 35 court may enjoin any act or practice that violates or may  
4 1 violate this subchapter, may award court costs and reasonable  
4 2 attorney fees, and may order any other equitable relief that  
4 3 is necessary and appropriate to redress the violation or to  
4 4 enforce this subchapter.

4 5 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
4 6 3, shall not apply to this Act.

4 7 EXPLANATION

4 8 This bill establishes a family military leave Act.

4 9 The bill provides that the spouse or parent of an  
4 10 individual in the national guard or reserves who is ordered to  
4 11 active federal duty for a period of at least 120 days at a  
4 12 location more than 250 miles away from the spouse or parent  
4 13 may take unpaid time off from work for up to 21 days.  
4 14 However, the bill provides that of the 21 days of unpaid time  
4 15 off allowed, no more than 14 days shall be allowed during the  
4 16 predeployment or postdeployment period of the eligible period  
4 17 of service. The requirements apply to public and private  
4 18 employers in this state with at least six employees and is  
4 19 available to employees who have been employed by the employer  
4 20 for at least 12 months and who have been employed for at least  
4 21 1,250 hours during the 12-month period preceding the requested  
4 22 leave. The bill provides that the unpaid time off can be  
4 23 taken within two weeks before or one week after the employee's  
4 24 spouse's or child's deployment date or one week before or two  
4 25 weeks after the employee's spouse's or child's deployment  
4 26 ends. The bill provides that the deployment ends when the  
4 27 deployment is completed or the military member dies or is  
4 28 seriously injured. The bill requires the employee to provide

4 29 notice before taking leave and to have exhausted all accrued  
4 30 leave and compensatory time available. The bill requires  
4 31 employers to maintain an employee's status during the period  
4 32 of leave and to not take adverse action against an employee  
4 33 for exercising their rights under the bill. The bill further  
4 34 provides that leave rights granted under the bill cannot be  
4 35 waived by an employee. The bill provides that a civil action  
5 1 may be brought to enforce an employee's rights under the bill  
5 2 and to seek equitable relief.  
5 3 The bill may include a state mandate as defined in Code  
5 4 section 25B.3. The bill makes inapplicable Code section  
5 5 25B.2, subsection 3, which would relieve a political  
5 6 subdivision from complying with a state mandate if funding for  
5 7 the cost of the state mandate is not provided or specified.  
5 8 Therefore, political subdivisions are required to comply with  
5 9 any state mandate included in the bill.  
5 10 LSB 1195SC 83  
5 11 ec/nh/14.1