

House File 2413 - Introduced

HOUSE FILE 2413

BY KAJTAZOVIC

A BILL FOR

1 An Act concerning employment leave and providing penalties.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 84A.5, subsection 4, Code 2014, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.

8 Sec. 2. Section 91.4, subsection 2, Code 2014, is amended
9 to read as follows:

10 2. The director of the department of workforce development,
11 in consultation with the labor commissioner, shall, at the
12 time provided by law, make an annual report to the governor
13 setting forth in appropriate form the business and expense of
14 the division of labor services for the preceding year, the
15 number of remedial actions taken under chapter 89A, the number
16 of disputes or violations processed by the division and the
17 disposition of the disputes or violations, and other matters
18 pertaining to the division which are of public interest,
19 together with recommendations for change or amendment of the
20 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
21 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
22 and the recommendations, if any, shall be transmitted by the
23 governor to the first general assembly in session after the
24 report is filed.

25 Sec. 3. NEW SECTION. 91F.1 Definitions.

26 For purposes of this chapter, unless the context otherwise
27 requires:

28 1. "*Commissioner*" means the labor commissioner appointed
29 pursuant to section 91.2, or the labor commissioner's designee.

30 2. "*Eligible employee*" means the same as defined in the
31 federal Family and Medical Leave Act of 1993, §101, as codified
32 in 29 U.S.C. §2611, as amended to July 1, 2014.

33 3. "*Employee*" means an individual who is employed in this
34 state for compensation by an employer.

35 4. "*Employer*" means the same as defined in the federal

1 Family and Medical Leave Act of 1993, §101, as codified in 29
2 U.S.C. §2611, as amended to July 1, 2014.

3 5. "Leave" means leave to which an eligible employee is
4 entitled pursuant to the federal Family and Medical Leave Act
5 of 1993, as amended to July 1, 2014. "Leave" does not include
6 supplemental leave to which an eligible employee is entitled
7 pursuant to this chapter.

8 Sec. 4. NEW SECTION. 91F.2 Supplemental leave required.

9 An employer shall grant an eligible employee, who exhausts
10 all leave for which the employee is eligible, twelve weeks
11 of supplemental leave during any twelve-month period. Such
12 supplemental leave shall be subject to the same requirements,
13 duties, terms, and conditions for leave as provided in the
14 federal Family and Medical Leave Act of 1993, as amended
15 to July 1, 2014. Supplemental leave is not required to be
16 compensated under this chapter.

17 Sec. 5. NEW SECTION. 91F.3 Employer prohibitions —
18 complaints — remedies.

19 1. An employer shall not interfere with, restrain, or deny
20 the exercise of or the attempt to exercise, any right provided
21 under this chapter. An employer shall not discharge or in any
22 other manner discriminate against any employee because the
23 employee has exercised a right afforded by this chapter, filed
24 a complaint or brought an action under this chapter, or has
25 cooperated in bringing any action against an employer.

26 2. An employee may file a complaint with the commissioner
27 alleging a violation of this chapter within thirty days after
28 such violation occurs. Upon receipt of the complaint, the
29 commissioner shall cause an investigation to be made to the
30 extent deemed appropriate. If the commissioner determines
31 from the investigation that the provisions of this chapter
32 have been violated, the commissioner shall bring an action
33 in the appropriate district court against such person. The
34 district court shall have jurisdiction, for cause shown, to
35 restrain violations of this chapter and order all appropriate

1 relief including damages equal to the amount of any wages,
2 salary, employment benefits, or other compensation denied or
3 lost to the employee or actual monetary losses sustained by the
4 employee or rehiring or reinstatement of the employee to the
5 former position with back pay.

6 Sec. 6. NEW SECTION. 91F.4 Rules.

7 The commissioner shall adopt rules to administer this
8 chapter.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requires an employer to grant an eligible
13 employee, who exhausts leave to which the employee is entitled
14 pursuant to the federal Family and Medical Leave Act of
15 1993, 12 weeks of supplemental leave during any 12-month
16 period. Such supplemental leave shall be subject to the same
17 requirements, duties, terms, and conditions for leave provided
18 in the federal Family and Medical Leave Act of 1993. Such
19 supplemental leave is not required to be compensated under the
20 bill.

21 The bill defines "employer" and "eligible employee" as those
22 terms are used in the federal Family and Medical Leave Act of
23 1993. "Eligible employee" generally includes employees who
24 have been employed for at least 12 months by an employer and
25 for at least 1,250 hours of service with an employer during
26 the previous 12-month period, excluding an employee who is
27 employed at a worksite at which the employer employs less than
28 50 employees, if the total number of employees employed by that
29 employer within 75 miles of that worksite is less than 50.
30 "Employer" generally includes any person engaged in commerce
31 or in any industry or activity affecting commerce who employs
32 50 or more employees for each working day during each of 20 or
33 more calendar workweeks in the current or preceding calendar
34 year.

35 The bill prohibits an employer from interfering with,

1 restraining, or denying the exercise of or the attempt
2 to exercise, any right provided by the bill. The bill
3 prohibits an employer from discharging or in any other manner
4 discriminating against any employee because the employee has
5 exercised a right afforded by the bill, or filed a complaint or
6 brought an action or cooperated in bringing any action against
7 an employer pursuant to the bill.

8 The bill permits an employee to file a complaint with the
9 labor commissioner alleging a violation of the bill. Upon
10 receipt of the complaint, the commissioner shall investigate to
11 the extent deemed appropriate. If the commissioner determines
12 that the provisions of the bill have been violated, the
13 commissioner shall bring an action in district court. The
14 district court shall have jurisdiction, for cause shown, to
15 restrain violations of the bill and order appropriate relief,
16 including damages or rehiring or reinstatement of the employee
17 to the former position with back pay.