

House File 407 - Introduced

HOUSE FILE 407

BY KELLEY

A BILL FOR

- 1 An Act requiring employers to provide employment leave
- 2 to attend parent-teacher conferences and including
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 84A.5, subsection 4, Code 2013, 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. NEW SECTION. **91F.1 Definitions.**

9 As used in this chapter, unless the context otherwise
10 requires:

11 1. "*Child*" means a biological, adopted, or foster child,
12 a stepchild, a legal ward, or a child of a person standing in
13 loco parentis who is under eighteen years of age or is eighteen
14 years of age or older and incapable of self-care because of a
15 mental or physical disability.

16 2. "*Commissioner*" means the labor commissioner, appointed
17 pursuant to section 91.2.

18 3. "*Eligible employee*" means an employee as defined in
19 section 91A.2 who has been employed for at least twelve months
20 and for at least one thousand two hundred fifty hours during
21 the previous twelve-month period by the employer from whom
22 leave permitted by this chapter is requested.

23 4. "*Employer*" means a person who, in this state, employs
24 fifty or more natural persons for each working day during
25 each of twenty or more calendar work weeks in the current or
26 preceding calendar year.

27 5. "*Leave*" means full or partial absence from an eligible
28 employee's ordinary job responsibilities either with full or
29 partial pay or without pay.

30 Sec. 3. NEW SECTION. **91F.2 Leave for parent-teacher
31 conferences authorized.**

32 Except as provided in section 91F.3, an eligible employee
33 shall be entitled to take leave to attend a parent-teacher
34 conference.

35 Sec. 4. NEW SECTION. **91F.3 Exemption.**

1 1. An employer may deny leave under section 91F.2 to an
2 eligible employee if all of the following apply:

3 a. Denial is necessary to prevent substantial economic
4 injury to the operations of the employer.

5 b. The employer notifies the employee of the intent of the
6 employer to deny restoration of the employee's position on such
7 basis at the time the employer determines that such injury
8 would occur.

9 c. In any case in which the leave has commenced, the
10 employee elects not to return to employment after receiving
11 such notice.

12 2. This section applies only to an eligible employee who
13 is a salaried employee and who is among the highest-paid ten
14 percent of the employees employed by the employer within
15 seventy-five miles of the facility at which the eligible
16 employee is employed.

17 Sec. 5. NEW SECTION. 91F.4 Leave requirements.

18 1. An employer shall not be required to pay an eligible
19 employee for any leave taken pursuant to section 91F.2.
20 However, an eligible employee taking leave permitted by this
21 chapter may elect to substitute for the leave permitted under
22 this chapter any of the eligible employee's accrued vacation
23 leave or other accrued time off during such period or any other
24 paid or unpaid time off negotiated with the employer.

25 2. An eligible employee shall provide the employer with
26 reasonable advance notice of foreseeable need for leave
27 permitted by this chapter. Reasonable notice shall be at least
28 thirty days where practical. An eligible employee shall make
29 a reasonable effort in the scheduling of leave so as not to
30 unduly disrupt the operations of an employer.

31 3. An employer may require that a request for leave under
32 this chapter be supported by a certification issued by a
33 school superintendent, principal, or other school authority of
34 the eligible employee's child. The eligible employee shall
35 provide, in a timely manner, a copy of such certification to

1 the employer. The certification shall include the date on
2 which the leave is expected to occur.

3 Sec. 6. NEW SECTION. 91F.5 **Employer notice.**

4 An employer shall post, in conspicuous places on the
5 premises of the employer where notices to eligible employees
6 and applicants for employment are customarily posted, a notice,
7 to be prepared or approved by the commissioner, setting forth
8 excerpts from, or summaries of, the pertinent provisions of
9 this chapter. The commissioner may establish by rule the
10 requirements for such notice.

11 Sec. 7. **APPLICABILITY.** This Act applies only to those
12 collective bargaining agreements entered into on or after the
13 effective date of this Act.

14 EXPLANATION

15 This bill provides that an eligible employee is entitled to
16 take employment leave to attend a parent-teacher conference.
17 "Leave" is defined as full or partial absence from an eligible
18 employee's ordinary job responsibilities either with full or
19 partial pay or without pay. An "eligible employee" is defined
20 as an employee as defined in Code section 91A.2 who has been
21 employed for at least 12 months and for least 1,250 hours of
22 service during the previous 12-month period by the employer
23 from whom leave is requested. An "employer" is defined as a
24 person who, in this state, employs 50 or more natural persons
25 for each working day during each of 20 or more calendar work
26 weeks in the current or preceding calendar year.

27 The bill provides that an employer may deny the leave
28 to an eligible employee if denial is necessary to prevent
29 substantial economic injury to the operations of the employer;
30 the employer notifies the employee of the employer's intent to
31 deny restoration of the employee's position on such basis at
32 the time the employer determines that such injury would occur;
33 and in any case in which the leave has commenced, the employee
34 elects not to return to employment after receiving such notice.
35 This exemption applies only to an eligible employee who is a

1 salaried employee and who is among the highest paid 10 percent
2 of the employees employed by the employer within 75 miles of
3 the facility at which the employee is employed.

4 The bill provides that the leave need not be paid leave.
5 However, an eligible employee may elect to substitute for the
6 leave any of the eligible employee's accrued vacation leave or
7 other accrued time off during such period or any other paid or
8 unpaid time off negotiated with the employer.

9 The bill requires an eligible employee to provide the
10 employer with reasonable advance notice of foreseeable need for
11 the leave. Reasonable notice shall be at least 30 days where
12 practical. An eligible employee is also required to make a
13 reasonable effort in the scheduling of the leave so as not to
14 unduly disrupt the operations of an employer.

15 The bill provides that an employer may require that a request
16 for leave be supported by a certification issued by a school
17 superintendent, principal, or other school authority of the
18 eligible employee's child. The eligible employee must then
19 provide, in a timely manner, certification to the employer.
20 The certification is to include the date on which the leave is
21 to occur.

22 The bill requires each employer to post a notice, to be
23 prepared or approved by the labor commissioner, setting forth
24 excerpts from, or summaries of, the pertinent provisions of the
25 bill.

26 The bill applies to only those collective bargaining
27 agreements entered into on or after the effective date of the
28 bill.