

Senate Study Bill 3103 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act providing for employment protections for volunteer
2 emergency services providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100B.14, subsections 2, 3, 4, and 9, Code
2 2014, are amended to read as follows:

3 2. For the purposes of this section:

4 a. "Discipline" means to take an action against an employee
5 that adversely affects the employee's regular pay to an extent
6 greater than permitted by subsection 5, or the employee's job
7 status, opportunity for promotion, or right to any benefit
8 granted by the employer to other similarly situated employees.

9 b. "Discriminate" means to discipline or terminate the
10 employment of an employee in a manner inconsistent with the
11 employer's treatment of other similarly situated employees
12 who are injured in the course of their employment or related
13 activities.

14 c. "volunteer Volunteer emergency services provider" means a
15 volunteer fire fighter as defined in section 85.61, a reserve
16 peace officer as defined in section 80D.1A, an emergency
17 medical care provider as defined in section 147A.1, or other
18 personnel having voluntary emergency service duties and who are
19 not paid full-time by the entity for which the services are
20 performed in the local service area, in a mutual aid agreement
21 area, or in a governor-declared state of disaster emergency
22 area.

23 3. A public or private employer shall not discipline
24 or terminate the employment of an employee for joining a
25 volunteer emergency services unit or organization, including
26 but not limited to any municipal, rural, or subscription fire
27 department.

28 4. If an employee has provided the employee's public or
29 private employer with written notification that the employee is
30 a volunteer emergency services provider, the employer shall not
31 discipline or terminate the employment of a volunteer emergency
32 services provider who, because the employee was fulfilling
33 performing the employee's duties as a volunteer emergency
34 services provider, is absent from or late to work.

35 9. An employee who is disciplined, discriminated against,

1 or whose employment is terminated in violation of this section
2 may bring a civil action against the employer. The employee
3 may seek reinstatement to the employee's former position,
4 payment of back wages, reinstatement of fringe benefits, and,
5 where seniority rights are granted, reinstatement of seniority
6 rights. If the employee prevails in such an action, the
7 employee shall be entitled to an award of reasonable attorney
8 fees and the costs of the action. An employee must commence
9 such an action within ~~one year~~ two years after the date of
10 discipline, discrimination, or termination of the employee's
11 employment.

12 Sec. 2. Section 100B.14, Code 2014, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4A. A public or private employer shall
15 not discriminate against an employee because the employee
16 has been injured while performing duties as a volunteer
17 emergency services provider. A public or private employer
18 shall not discriminate against an employee who is injured while
19 performing duties as a volunteer emergency services provider
20 and who subsequently returns to work after receiving workers'
21 compensation benefits.

22 EXPLANATION

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

25 Current law, the "Volunteer Emergency Services Providers
26 Job Protection Act", grants various employment protections to
27 volunteer emergency services providers. "Volunteer emergency
28 services provider" is defined as a volunteer fire fighter, a
29 reserve peace officer, an emergency medical care provider,
30 or other personnel having voluntary emergency service duties
31 and who are not paid full-time by the entity for which the
32 services are performed in the local service area, in a mutual
33 aid agreement area, or in a governor-declared state of disaster
34 emergency area. This bill adds to those protections.

35 The bill prohibits an employer from disciplining an

1 employee for joining a volunteer emergency services unit or
2 organization, including but not limited to any municipal,
3 rural, or subscription fire department. The bill prohibits
4 an employer from disciplining an employee who, because the
5 employee was fulfilling the employee's duties as a volunteer
6 emergency services provider, is absent from or late to
7 work, if the employee has provided the employer with written
8 notification that the employee is a volunteer emergency
9 services provider. The bill prohibits an employer from
10 discriminating against an employee because the employee
11 has been injured while performing duties as a volunteer
12 emergency services provider. The bill prohibits an employer
13 from discriminating against an employee who is injured while
14 performing duties as a volunteer emergency services provider
15 and who subsequently returns to work after receiving workers'
16 compensation benefits.

17 The bill defines "discipline" as taking an action against
18 an employee that adversely affects the employee's regular pay
19 to an extent greater than permitted by state law, job status,
20 opportunity for promotion, or right to any benefit granted
21 by the employer to other similarly situated employees. The
22 bill defines "discriminate" as disciplining or terminating the
23 employment of an employee in a manner inconsistent with the
24 employer's treatment of other similarly situated employees
25 who are injured in the course of their employment or related
26 activities.

27 The civil remedy available to an employee under the
28 "Volunteer Emergency Services Providers Job Protection Act"
29 applies to these prohibitions. The bill extends the time
30 period under the Act in which an employee may pursue a civil
31 remedy from one year to two years.