

**House File 2246 - Introduced**

HOUSE FILE 2246

BY ANDERSON

**A BILL FOR**

1 An Act requiring minimum paid sick and safe time for employees,  
2 providing a penalty, and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 91F.1 Title.

2 This chapter shall be known and may be cited as the "*Healthy*  
3 *and Safe Family and Workplace Act*".

4 Sec. 2. NEW SECTION. 91F.2 Public policy.

5 It is the public policy of this state to protect public  
6 health and safety and to promote the general welfare of its  
7 citizens. To accomplish this, the state supports employers'  
8 efforts to encourage employees to work when they are healthy  
9 and protects the basic workplace rights of workers to safeguard  
10 public health by remaining home when they are ill.

11 Sec. 3. NEW SECTION. 91F.3 Definitions.

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

14 2. "*Domestic abuse*" includes domestic abuse as defined in  
15 section 236.2 and domestic abuse assault as defined in section  
16 708.2A.

17 3. "*Employee*" means an employee as defined in the federal  
18 Fair Labor Standards Act of 1938, 29 U.S.C. §201 et seq., as  
19 amended, who is employed in this state for compensation.

20 4. "*Employer*" means any person who employs an employee for  
21 compensation in this state.

22 5. "*Family member*" means any individual related to an  
23 employee by consanguinity or affinity including the following:

24 a. An employee's spouse or domestic partner.

25 b. A child or foster child; stepchild; legal ward; a child  
26 of a domestic partner; or a child to whom the employee stands  
27 in loco parentis.

28 c. A parent or foster parent; stepparent; legal guardian;  
29 or a person who stood in loco parentis to the employee when the  
30 employee was a minor child.

31 d. A grandparent or spouse or domestic partner of a  
32 grandparent.

33 e. A grandchild, foster grandchild, or stepgrandchild.

34 f. A sibling or foster sibling; stepsibling; or spouse or  
35 domestic partner of a sibling, foster sibling, or stepsibling.

1 g. Any other individual related to the employee by  
2 consanguinity or affinity or whose close association with the  
3 employee is the equivalent of a familial relationship.

4 6. "Health care professional" means the same as defined in  
5 section 135.157.

6 7. "Retaliatory personnel action" means discharge,  
7 suspension, demotion, unfavorable reassignment, refusal to  
8 promote, disciplinary action, or any other adverse action taken  
9 by an employer against an employee.

10 8. "Sexual abuse" includes sexual abuse as defined in  
11 section 709.1 and incest pursuant to section 726.2.

12 9. "Sick and safe time" means time that is compensated at  
13 the same hourly rate and with the same benefits, including  
14 health care benefits, as the employee normally earns during  
15 hours worked and is provided by an employer to an employee for  
16 the purposes described in section 91F.5. In no instance shall  
17 the hourly wage be less than that provided in section 91D.1.

18 10. "Stalking" means the same as described in section  
19 708.11.

20 Sec. 4. NEW SECTION. 91F.4 Accrual — sick and safe time.

21 1. An employee shall have the right to accrue and use sick  
22 and safe time as provided in this chapter.

23 2. a. For the first forty hours worked each work week, an  
24 employee shall accrue sick and safe time equal to at least four  
25 percent of the hours worked in that work week.

26 b. An employee shall not accrue more than eighty-three hours  
27 of sick and safe time in a calendar year, unless the employer  
28 selects a higher limit.

29 3. Employees who are exempt from overtime requirements  
30 under section 13(a)(1) of the federal Fair Labor Standards Act  
31 of 1938, 29 U.S.C. §213(a)(1), are deemed to work forty hours  
32 in each work week for purposes of sick and safe time accrual  
33 unless their normal work week is less than forty hours, in  
34 which case sick and safe time accrues based upon that normal  
35 work week.

1 4. Sick and safe time as provided in this section shall  
2 begin to accrue upon the commencement of employment for new  
3 employees hired on or after January 1, 2017, and for existing  
4 employees beginning January 1, 2017.

5 5. An employee may use accrued sick and safe time beginning  
6 on the thirtieth calendar day following commencement of the  
7 employee's employment. On and after the thirtieth calendar day  
8 of employment, an employee may use sick and safe time as it  
9 accrues.

10 6. Accrued sick and safe time shall be carried over for one  
11 calendar year or fiscal year, whichever the employer designates  
12 as a work year, subject to the limit described in subsection  
13 2, paragraph "b".

14 7. An employer with a leave policy that makes available an  
15 amount of leave sufficient to meet the accrual requirements of  
16 this section that may be used for the same purposes and under  
17 the same conditions as sick and safe time under this chapter is  
18 not required to provide additional sick and safe time beyond  
19 the existing leave policy.

20 8. Nothing in this section shall be construed as requiring  
21 financial or other reimbursement to an employee from an  
22 employer upon the employee's termination, resignation,  
23 retirement, or other separation from employment for accrued  
24 sick and safe time that has not been used.

25 9. a. If an employee is transferred to a separate division,  
26 entity, or location, but remains employed by the same employer,  
27 the employee is entitled to all sick and safe time previously  
28 accrued, is entitled to use all accrued sick and safe time as  
29 provided in this chapter, and shall continue to accrue sick and  
30 safe time at the same rate or higher as before the transfer.

31 b. When there is a separation from employment and the  
32 employee is rehired within six months of the separation by  
33 the same employer, previously accrued sick and safe time not  
34 used prior to the date of separation shall be reinstated. The  
35 employee may use such accrued sick and safe time upon rehire,

1 and sick and safe time shall begin to accrue upon rehire.

2 10. At the employer's discretion, the employer may advance  
3 sick and safe time to an employee ahead of accrual of such time  
4 by the employee.

5 Sec. 5. NEW SECTION. 91F.5 Use of sick and safe time —  
6 purposes — procedures.

7 1. Sick and safe time shall be provided to an employee by an  
8 employer for the following purposes:

9 a. An employee's mental or physical illness, injury, or  
10 health condition; an employee's need for medical diagnosis,  
11 care, or treatment of a mental or physical illness, injury,  
12 or health condition; an employee's need for preventive mental  
13 health or medical care.

14 b. An employee's need to care for a family member with a  
15 mental or physical illness, injury, or health condition; an  
16 employee's need to care for a family member who needs medical  
17 diagnosis, care, or treatment of a mental or physical illness,  
18 injury, or health condition; an employee's need to care for a  
19 family member who needs preventive mental health or medical  
20 care.

21 c. (1) Closure of the employee's place of work by order of  
22 a public official due to a public health emergency.

23 (2) An employee's need to care for a family member whose  
24 school or place of care has been closed by order of a public  
25 official due to a public health emergency.

26 (3) An employee's need to care for a family member when  
27 public health authorities or a health care professional has  
28 determined that the family member's presence in the community  
29 jeopardizes the health of others because of the family member's  
30 exposure to communicable disease, whether or not the family  
31 member has actually contracted the communicable disease.

32 d. An employee's need to be absent from work due to being  
33 a victim of domestic abuse, sexual abuse, or stalking, or the  
34 surviving family member of a murder victim, provided the leave  
35 from work is to do one or more of the following:

1 (1) Seek medical attention for the employee or family member  
2 to recover from physical or psychological injury or disability  
3 caused by being a victim of domestic abuse, sexual abuse, or  
4 stalking, or the surviving family member of a murder victim.

5 (2) Obtain services from a victim services organization.

6 (3) Obtain counseling from a licensed social worker,  
7 marital and family therapist, mental health counselor,  
8 psychologist, or psychiatrist.

9 (4) Seek relocation due to the domestic abuse, sexual abuse,  
10 stalking, or murder.

11 (5) Take legal action, including reporting the crime to law  
12 enforcement and preparing for or participating in any civil  
13 or criminal legal proceeding related to or resulting from the  
14 domestic abuse, sexual abuse, stalking, or murder.

15 e. An employee's need to attend a school function of the  
16 employee's child, foster child, or stepchild. An employee  
17 shall use no more than twenty hours of sick and safe time per  
18 calendar year or fiscal year, whichever the employer designates  
19 as a work year, for this purpose.

20 2. Sick and safe time shall be allowed upon the written or  
21 oral request of an employee. When possible, the employee shall  
22 include the expected duration of the employee's absence in the  
23 request.

24 3. When the use of sick and safe time is foreseeable, the  
25 employee shall make a good faith effort to provide notice  
26 of the need for such time to the employer in advance of the  
27 use of the sick and safe time, and the employee shall make a  
28 reasonable effort to schedule the use of sick and safe time in  
29 a manner that does not unduly disrupt the operations of the  
30 employer.

31 4. Accrued sick and safe time may be used in hourly  
32 increments or in the smallest increment that the employer's  
33 payroll system uses to account for absences or use of time.

34 5. a. For sick and safe time that extends more than  
35 three consecutive days, an employer may require reasonable

1 documentation that the sick and safe time is for the purposes  
2 described in subsection 1.

3 (1) Documentation signed by a health care professional  
4 indicating that sick time is necessary shall be considered  
5 reasonable documentation.

6 (2) A police report indicating that the employee was a  
7 victim of domestic abuse, sexual abuse, or stalking, or the  
8 surviving family member of a murder victim; a court order; or a  
9 signed statement from a victim and witness advocate affirming  
10 that the employee is involved in legal action related to  
11 domestic abuse, sexual abuse, stalking, or murder shall be  
12 considered reasonable documentation.

13 b. An employer shall not require that the documentation  
14 explain the nature of the health care or legal action that is  
15 the reason for the use of sick and safe time or the details of  
16 the domestic abuse, sexual abuse, stalking, or murder.

17 c. If an employer chooses to require documentation from  
18 an employee for use of sick and safe time, the employer is  
19 responsible for paying any costs charged to the employee by  
20 a health care provider or other entity for providing the  
21 specific documentation required by the employer. If the  
22 employee has health insurance that covers any portion of the  
23 costs of obtaining such documentation, the employer shall only  
24 be responsible for paying costs that are not covered by the  
25 employee's health insurance.

26 6. An employer shall not require as a condition of allowing  
27 sick and safe time under this chapter that the employee search  
28 for or find a replacement worker to cover the hours during  
29 which the employee will be using sick and safe time.

30 **Sec. 6. NEW SECTION. 91F.6 Exercise of rights —**  
31 **retaliation prohibited.**

32 1. An employer or any other person in the workplace shall  
33 not interfere with, restrain, or deny the exercise of, or the  
34 attempt to exercise, any right protected under this chapter.

35 2. An employer shall not take retaliatory personnel action

1 or discriminate against an employee because the employee has  
2 exercised rights protected under this chapter. Such rights  
3 include but are not limited to the following:

4 *a.* The right to use sick and safe time pursuant to this  
5 chapter.

6 *b.* The right to file a complaint or inform any person about  
7 any employer's alleged violation of this chapter.

8 *c.* The right to cooperate with the commissioner in any  
9 investigation of alleged violations of this chapter.

10 *d.* The right to inform any person of the person's potential  
11 rights under this chapter.

12 3. An employer's absence control policy shall not count  
13 sick and safe time taken pursuant to this chapter as an absence  
14 that may lead to or result in discipline, discharge, demotion,  
15 suspension, unfavorable reassignment, refusal to promote, or  
16 any other adverse action.

17 4. The protections of this section shall apply to any person  
18 who mistakenly but in good faith alleges a violation of this  
19 section.

20 5. There is a rebuttable presumption of retaliation under  
21 this section whenever an employer takes adverse action against  
22 an employee within ninety days of when that employee has done  
23 any of the following:

24 *a.* Filed a complaint with the commissioner or a court  
25 alleging a violation of any provision of this chapter.

26 *b.* Informed any person about an employer's alleged violation  
27 of this chapter.

28 *c.* Cooperated with the commissioner or others in an  
29 investigation or prosecution of any alleged violation of this  
30 chapter.

31 *d.* Opposed any policy, practice, or act that is unlawful  
32 under this chapter.

33 *e.* Informed any person of the person's potential rights  
34 under this chapter.

35 Sec. 7. NEW SECTION. 91F.7 Notice and posting.



1 1. An employer shall give notice to employees of the  
2 following:

3 a. That employees are entitled to sick and safe time.

4 b. The accrual amounts of sick and safe time.

5 c. The terms of use of sick and safe time guaranteed under  
6 this chapter.

7 d. The prohibition against retaliation against employees who  
8 request or use sick and safe time.

9 e. Each employee has the right to file a complaint or  
10 bring a civil action if sick and safe time as required by  
11 this chapter is denied by the employer, or the employee is  
12 retaliated against for requesting or taking sick and safe time.

13 2. a. An employer may comply with this section by supplying  
14 each employee with a notice that contains all the information  
15 required in subsection 1.

16 b. An employer may comply with this section by displaying a  
17 poster and other informational materials in a conspicuous and  
18 accessible place in each establishment where such employees  
19 are employed which contains all the information required in  
20 subsection 1.

21 3. An employer who willfully violates the notice and posting  
22 requirements of this section shall be subject to a civil  
23 penalty in an amount not to exceed one hundred dollars for each  
24 separate offense.

25 **Sec. 8. NEW SECTION. 91F.8 Damages recoverable by an**  
26 **employee.**

27 In an action by an employee against the employee's employer  
28 or former employer for an alleged violation of this chapter,  
29 when it has been shown that the employer intentionally failed  
30 to provide or allow the use of sick and safe time to the  
31 employee in violation of this chapter, the employer shall be  
32 liable to the employee for the monetary value of the owed sick  
33 and safe time, plus liquidated damages for failure to allow the  
34 employee to use accrued sick and safe time, court costs, and  
35 any attorney fees incurred in the civil action.

1     Sec. 9. NEW SECTION.   **91F.9 Employer records.**

2     1. An employer shall retain records documenting hours  
3 worked by employees and all leave, including sick and safe  
4 time, taken by employees, for a period of five years.

5     2. An employer shall allow the commissioner access to such  
6 records, with notice and at a mutually agreeable time, to  
7 monitor compliance with the requirements of this chapter.

8     3. If an issue arises as to an employee's entitlement to  
9 sick and safe time under this chapter and the employer does not  
10 maintain or retain adequate records according to this section  
11 or does not allow the commissioner access to such records, the  
12 commissioner or other investigating authority shall presume  
13 that the employer has violated this chapter, absent clear and  
14 convincing evidence otherwise.

15     Sec. 10. NEW SECTION.   **91F.10 Enforcement.**

16     1. Upon the written complaint of the employee involved,  
17 the commissioner may determine whether to investigate if  
18 an employer has violated any provision of this chapter.  
19 The commissioner shall keep confidential, to the extent  
20 permitted by applicable law, the name of and other identifying  
21 information about the employee reporting the alleged violation.  
22 However, the commissioner, with the authorization of the  
23 complaining employee, may disclose the employee's name and  
24 other information as necessary to enforce this chapter or for  
25 other appropriate purposes.

26     2. If for any reason the commissioner makes a determination  
27 not to investigate, the commissioner shall notify the  
28 complaining employee within fourteen days of receipt of  
29 the complaint. The commissioner shall otherwise notify  
30 the employee of the determination to investigate within  
31 a reasonable time. If it is determined that there is an  
32 enforceable claim, the commissioner, with the consent of the  
33 complaining employee and with the assistance of the office  
34 of the attorney general if the commissioner requests such  
35 assistance, shall, unless a settlement is reached, commence a

1 civil action in any court of competent jurisdiction to recover  
2 for the benefit of any employee any sick and safe time claims  
3 that have been assigned to the commissioner for recovery.  
4 The commissioner may also request reasonable and necessary  
5 attorney fees. With the consent of the assigning employee, the  
6 commissioner may also settle a claim on behalf of the assigning  
7 employee.

8 3. Proceedings under this section that precede commencement  
9 of a civil action shall be conducted informally without any  
10 party having a right to be heard before the commissioner. The  
11 commissioner may join various assignments in one claim for the  
12 purpose of settling or litigating the assignees' claims.

13 4. The provisions of subsections 1 and 2 shall not be  
14 construed to prevent an employee from settling or bringing an  
15 action for damages under section 91F.8 if the employee has not  
16 assigned the claim under subsection 2.

17 5. Any recovery of attorney fees, in the case of actions  
18 brought under this section by the commissioner, shall be  
19 remitted by the commissioner to the treasurer of state for  
20 deposit in the general fund of the state. The commissioner is  
21 not required to pay any filing fee or other court costs.

22 Sec. 11. NEW SECTION. 91F.11 Confidentiality and  
23 nondisclosure.

24 1. An employer shall not require disclosure of details  
25 relating to domestic abuse, sexual abuse, stalking, or murder,  
26 or of the details of an employee's medical condition or that of  
27 a family member as a condition of allowing sick and safe time  
28 under this chapter.

29 2. If an employer possesses health information or  
30 information pertaining to domestic abuse, sexual abuse,  
31 stalking, or murder about an employee or an employee's family  
32 member, such information shall be treated as confidential and  
33 not disclosed except to the affected employee or with the  
34 written permission of the affected employee.

35 Sec. 12. NEW SECTION. 91F.12 Other sick and safe time

1 **policies — legal requirements.**

2 1. Nothing in this chapter shall be construed to discourage  
3 or prohibit an employer from the adoption or retention of  
4 a sick and safe time policy that is more generous than the  
5 minimum requirements of this chapter.

6 2. Nothing in this chapter shall be construed as diminishing  
7 the obligation of an employer to comply with any contract,  
8 collective bargaining agreement, employment benefit plan, or  
9 other agreement that provides more generous sick and safe time  
10 to an employee than the minimum requirements of this chapter.

11 3. Nothing in this chapter shall be construed as diminishing  
12 the rights of public employees regarding sick and safe time or  
13 the use of sick and safe time as provided by state law.

14 4. This chapter provides minimum requirements pertaining  
15 to sick and safe time and shall not be construed to preempt,  
16 limit, or otherwise affect the applicability of any other law,  
17 regulation, requirement, policy, or standard that provides for  
18 greater accrual or use by employees of sick and safe time or  
19 that extends other protections to employees.

20 **Sec. 13. NEW SECTION. 91F.13 Sick and safe time — posting.**

21 1. The commissioner shall create a poster and other  
22 informational materials that may be used by an employer for  
23 public display. The poster and other informational materials  
24 shall contain all the information required in section 91F.7,  
25 subsection 1.

26 2. An employer may apply to the commissioner for  
27 authorization to display or distribute the poster and other  
28 informational materials created by the commissioner. The  
29 commissioner shall verify that an applicant offers at least  
30 the minimum sick and safe time required by this chapter to all  
31 employees in each establishment where the poster and other  
32 informational materials will be displayed and is in compliance  
33 with the requirements of this chapter. The commissioner shall  
34 electronically transmit the poster and other informational  
35 materials to any verified applicant.

1     Sec. 14. NEW SECTION.   **91F.14 Rules.**

2     The commissioner shall adopt rules pursuant to chapter 17A  
3 to administer this chapter.

4     Sec. 15. Section 84A.5, subsection 4, Code 2016, is amended  
5 to read as follows:

6     4. The division of labor services is responsible for the  
7 administration of the laws of this state under **chapters 88,**  
8 **88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,**  
9 **and 94A,** and **section 85.68.** The executive head of the division  
10 is the labor commissioner, appointed pursuant to **section 91.2.**

11     Sec. 16. Section 91.4, subsection 2, Code 2016, is amended  
12 to read as follows:

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

28     Sec. 17. APPLICABILITY. Notwithstanding the section of  
29 this Act relating to applicability of this Act on or after  
30 January 1, 2017, this Act does not apply to employees under a  
31 contract or collective bargaining agreement that was in effect  
32 before January 1, 2017.

33     Sec. 18. APPLICABILITY. This Act applies to all existing  
34 employees on and after January 1, 2017, and to all new  
35 employees hired on or after that date.

1

EXPLANATION

2

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

3

4 This bill, entitled the "Healthy and Safe Family and  
5 Workplace Act", requires minimum paid sick and safe time for  
6 all employees employed in the state in new Code chapter 91F.  
7 The bill declares public policy of the state pertaining to the  
8 bill.

9 The bill defines "sick and safe time" as time that is  
10 compensated at the same hourly rate and with the same benefits,  
11 including health care benefits, as the employee normally  
12 earns during hours worked and is provided by an employer to  
13 an employee for the purposes described in the bill. The bill  
14 defines additional terms including "employee", "employer", and  
15 "family member".

16 The bill provides that all employees shall have the right to  
17 accrue and use sick and safe time. The formula for accruing  
18 sick and safe time is contained in the bill, and there are  
19 limits for the amount of sick and safe time an employee may  
20 accrue per year, unless the employer sets a higher limit.

21 The formula for accruing sick and safe time and the  
22 limitations and exceptions are provided in new Code section  
23 91F.4. Sick and safe time shall begin to accrue for new  
24 employees hired on or after January 1, 2017, on the first  
25 day of work and for existing employees on January 1, 2017.  
26 Employees may use accrued sick and safe time starting the 30th  
27 day of employment. Sick and safe time shall carry over one  
28 year, but an employee shall not accrue more than 83 hours of  
29 sick and safe time per year.

30 An employer who provides a leave policy that meets the  
31 minimum accrual requirements and the same minimum uses and  
32 conditions is deemed to be in compliance with the bill. The  
33 bill does not require employees to be reimbursed for unused  
34 sick and safe time upon separation from employment. However,  
35 if an employee is moved or transferred within the company, the

1 employee shall retain and may use all accrued sick and safe  
2 time. If there is an employment separation, but an employee  
3 is rehired within six months, all accrued sick and safe time  
4 shall be reinstated upon rehire and be available for immediate  
5 use. An employer has the discretion to advance sick and safe  
6 time to an employee.

7 The bill provides specific reasons for which employees may  
8 use the sick and safe time in new Code section 91F.5. An  
9 employee shall give reasonable notice to an employer when  
10 use of sick and safe time is foreseeable and shall make a  
11 reasonable effort to schedule the use of sick and safe time in  
12 a manner that does not unduly disrupt the operations of the  
13 employer. When an employee uses more than three consecutive  
14 days of sick and safe time, an employer may require reasonable  
15 documentation that the time used is covered as provided in  
16 the bill. If an employer chooses to require documentation  
17 from an employee for use of sick and safe time, the employer  
18 is responsible for paying any costs charged to the employee  
19 by a health care provider or other entity for providing the  
20 specific documentation required by the employer. If the  
21 employee has health insurance that covers any portion of the  
22 costs of obtaining such documentation, the employer shall only  
23 be responsible for paying costs that are not covered by the  
24 employee's health insurance. An employer shall not require an  
25 employee to find a replacement worker in order to use sick and  
26 safe time.

27 An employee's rights under the bill, including the right  
28 to use sick and safe time and to file a complaint against  
29 an employer, and the prohibitions against an employer's  
30 retaliation against an employee exercising those rights, are  
31 explained in new Code section 91F.6.

32 Employers are required to give employees notice of their  
33 rights to sick and safe time as described in new Code section  
34 91F.7, either by supplying each employee with a notice or  
35 by posting such notice in an accessible and obvious place

1 where employees work. Violations of the notice and posting  
2 requirements may result in a civil penalty of not more than  
3 \$100 for each offense.

4 An employee may recover the monetary value of owed sick  
5 and safe time plus liquidated damages for the wrongful denial  
6 of use of accrued sick and safe time if an employer is shown  
7 to have intentionally violated the bill pursuant to new Code  
8 section 91F.8.

9 An employer must retain records documenting hours worked  
10 by each employee and the amount of leave, including sick and  
11 safe time, taken by employees for five years. The labor  
12 commissioner shall have reasonable access to these records. If  
13 a question arises about an employee's right to sick and safe  
14 time and an employer does not have adequate records or does not  
15 allow the commissioner to examine the employer's records, the  
16 commissioner shall presume that the employer has violated the  
17 bill.

18 Pursuant to new Code section 91F.10, an employee may submit  
19 a written complaint to the commissioner, who will determine  
20 whether to investigate the claim that an employer has violated  
21 any provision of new Code chapter 91F. If the commissioner  
22 decides to investigate, the commissioner shall commence a civil  
23 action against the employer.

24 An employer shall not require an employee to disclose  
25 details relating to domestic abuse, sexual abuse, stalking,  
26 murder, or a medical condition as a condition of using sick and  
27 safe time. An employer who has such information shall treat  
28 the information as confidential and not disclose it without  
29 written consent of the affected employee, according to new Code  
30 section 91F.11.

31 The bill provides that the new Code chapter does not prohibit  
32 an employer from providing a more generous sick and safe  
33 time policy than required by the bill, does not diminish an  
34 employer's previous contractual obligations for more generous  
35 sick and safe time, and does not diminish public employees'



1 other rights to sick and safe time as provided by law.

2 The commissioner is required to create a poster and other  
3 informational materials which an employer may use for public  
4 display. The poster and other informational materials must  
5 comply with the notice requirements for sick and safe time  
6 provided in the bill. The commissioner is to make the poster  
7 and other informational materials available to an employer upon  
8 verification of compliance with the bill.

9 The bill applies to all existing employees on and after  
10 January 1, 2017, and to all new hires on or after that date,  
11 but does not apply to employees under contracts or collective  
12 bargaining agreements in effect before January 1, 2017.