

House File 2223 - Introduced

HOUSE FILE 2223

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A BILL FOR

1 An Act providing for paid sick leave and scheduling procedures
2 for employees, establishing a family leave and medical leave
3 insurance program, providing penalties and remedies, and
4 including applicability provisions.

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

1 Section 1. Section 84A.1, subsection 1, Code 2020, is
2 amended to read as follows:

3 1. The department of workforce development is created to
4 administer the laws of this state relating to unemployment
5 compensation insurance, job placement and training, employment
6 safety, labor standards, and workers' compensation, family
7 leave and medical leave insurance, and related matters.

8 Sec. 2. Section 84A.5, subsections 3 and 4, Code 2020, are
9 amended to read as follows:

10 3. The department of workforce development is responsible
11 for administration of unemployment compensation benefits
12 and collection of employer contributions under [chapter 96](#),
13 providing for the delivery of free public employment services
14 established pursuant to [chapter 96](#), administration of family
15 leave and medical leave insurance under chapter 96A, other job
16 placement and training programs established pursuant to section
17 84A.6, and the delivery of services located throughout the
18 state.

19 4. The division of labor services is responsible for the
20 administration of the laws of this state under [chapters 88](#),
21 [88A](#), [88B](#), [89](#), [89A](#), [89B](#), [90A](#), [91](#), [91A](#), [91C](#), [91D](#), [91E](#), [92](#), and 94,
22 [94A](#), and 95, and [sections 73A.21](#) and [85.68](#). The executive head
23 of the division is the labor commissioner, appointed pursuant
24 to [section 91.2](#).

25 Sec. 3. Section 91.4, subsection 2, Code 2020, is amended
26 to read as follows:

27 2. The director of the department of workforce development,
28 in consultation with the labor commissioner, shall, at the
29 time provided by law, make an annual report to the governor
30 setting forth in appropriate form the business and expense of
31 the division of labor services for the preceding year, the
32 number of remedial actions taken under [chapter 89A](#), the number
33 of disputes or violations processed by the division and the
34 disposition of the disputes or violations, and other matters
35 pertaining to the division which are of public interest,

1 together with recommendations for change or amendment of the
2 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
3 90A, 91A, 91C, 91D, 91E, 92, and 94, 94A, and 95, and section
4 85.68, and the recommendations, if any, shall be transmitted
5 by the governor to the first general assembly in session after
6 the report is filed.

7 Sec. 4. Section 91A.2, subsection 7, Code 2020, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. e. Predictability pay pursuant to section
10 93.4.

11 Sec. 5. NEW SECTION. 94.1 **Definitions.**

12 For the purposes of this chapter, unless the context
13 otherwise requires:

14 1. "*Child*" means a biological, adopted, or foster child,
15 stepchild, legal ward, or a child to whom the employee stands
16 in loco parentis, who is either under eighteen years of age
17 or eighteen years of age or older and incapable of self-care
18 because of a mental or physical disability.

19 2. "*Commissioner*" means the labor commissioner appointed
20 pursuant to section 91.2, or the labor commissioner's designee.

21 3. "*Domestic abuse*" means the same as defined in section
22 236.2.

23 4. "*Employee*" means an individual who is employed in this
24 state for compensation by an employer.

25 5. "*Employer*" means any person that employs employees in
26 this state.

27 6. "*Retaliation*" means any termination of employment,
28 suspension, constructive discharge, demotion, unfavorable
29 reassignment, refusal to promote, disciplinary action, or other
30 adverse employment action taken by an employer.

31 7. "*Sexual assault*" means the same as defined in section
32 915.40.

33 Sec. 6. NEW SECTION. 94.2 **Paid sick leave — requirements**
34 **— exceptions.**

35 1. An employer shall provide paid sick leave annually to

1 each employee employed by the employer. An employee shall
2 accrue paid sick leave at a rate of one hour of leave for each
3 thirty hours worked by the employee, in one-hour increments
4 up to a maximum of fifty-six hours of leave per calendar
5 year. An employee shall not be entitled to use more than
6 fifty-six accrued hours of paid sick leave per year. An
7 employee shall be entitled to carry over up to fifty-six unused
8 accrued hours of paid sick leave from one calendar year to the
9 following calendar year. An employee shall begin to accrue
10 paid sick leave on the first day of the employee's employment
11 by an employer. An employee may use accrued paid sick leave
12 beginning sixty calendar days after the first day of the
13 employee's employment by an employer.

14 2. An employer shall pay an employee for accrued paid sick
15 leave at a pay rate equal to the normal hourly wage for that
16 employee. For any employee whose hourly wage varies depending
17 on the work performed by the employee, the employee's pay rate
18 shall be the average hourly wage of the employee in the pay
19 period prior to the one in which the employee used accrued
20 paid sick leave. However, an employer who employs fifteen or
21 less employees in this state may instead provide an employee
22 with unpaid leave or leave paid at a rate less than the normal
23 hourly wage for that employee.

24 3. An employer shall be deemed to be in compliance with
25 this section if the employer offers any other paid leave or
26 combination of other paid leave that may be used for the
27 purposes of section 94.3 and is accrued at a rate equal to or
28 greater than the rate described in subsection 1. Other paid
29 leave may include but is not limited to vacation, personal
30 days, or time off.

31 4. By mutual consent of an employee and employer, the
32 employee may work additional hours or shifts during the same
33 pay period the leave is taken or during the following pay
34 period, instead of using accrued paid sick leave.

35 Sec. 7. NEW SECTION. 94.3 Permitted uses of leave.

1 1. An employer shall permit an employee to use paid sick
2 leave accrued by the employee for the reasons specified in
3 subsections 2 and 3.

4 2. For an employee, the employee's spouse, or the employee's
5 child, accrued paid sick leave may be used for any of the
6 following reasons:

7 a. Mental or physical illness, injury, or a health
8 condition.

9 b. Medical diagnosis, care, or treatment of mental illness
10 or physical illness, injury, or a health condition.

11 c. Preventative medical care.

12 3. For an employee who is a victim of domestic abuse or
13 sexual assault, accrued paid sick leave may be used for any of
14 the following reasons:

15 a. Medical care or psychological or other counseling for
16 physical or psychological injury or disability.

17 b. To obtain services from a victim services organization.

18 c. Relocation due to such domestic abuse or sexual assault.

19 d. Participation in any civil or criminal proceedings
20 relating to or resulting from such domestic abuse or sexual
21 assault.

22 Sec. 8. NEW SECTION. 94.4 Advance notice — documentation.

23 1. If an employee's need to use paid sick leave is
24 foreseeable, an employer may require advance notice, not to
25 exceed seven days prior to the date such leave is to begin, of
26 the employee's intent to use such leave. If an employee's need
27 for such leave is not foreseeable, an employer may require an
28 employee to give notice of such intent as soon as practicable.

29 2. For paid sick leave of three or more consecutive
30 days, an employer may require reasonable documentation that
31 such leave is being taken for the purposes permitted under
32 section 94.3. If such leave is permitted under section 94.3,
33 subsection 2, documentation signed by a health care provider
34 who is treating the employee or the employee's child or spouse
35 indicating the need for the number of days of such leave shall

1 be considered reasonable documentation. If such leave is
2 permitted under section 94.3, subsection 3, a court record or
3 documentation signed by an employee or volunteer working for a
4 victim services organization, an attorney, a police officer, or
5 other counselor involved with the employee shall be considered
6 reasonable documentation.

7 Sec. 9. NEW SECTION. **94.5 Notice by employers.**

8 1. An employer shall, at the time of an employee's hiring,
9 provide notice to the employee of all of the following:

10 a. The right to sick leave established by this chapter, the
11 amount of sick leave provided, and the terms under which sick
12 leave may be used.

13 b. That retaliation or discrimination by the employer
14 against the employee for requesting or using sick leave for
15 which the employee is eligible is prohibited.

16 c. The employee's right to file a complaint with the
17 commissioner for any violation of this chapter.

18 2. An employer may comply with the provisions of this
19 section by displaying a poster in a conspicuous place,
20 accessible to employees, at the employer's place of business
21 that contains the information required by this section in both
22 English and Spanish.

23 3. The commissioner may adopt rules pursuant to chapter 17A
24 to establish additional requirements concerning the means by
25 which employers shall provide notice required by this section.

26 Sec. 10. NEW SECTION. **94.6 Termination of employment —**
27 **limitations.**

28 1. Unless an employee policy or collective bargaining
29 agreement provides for the payment of accrued benefits upon
30 termination, an employee shall not be entitled to payment for
31 the employee's unused hours of accrued sick leave under this
32 chapter upon termination of employment.

33 2. An employee whose employment is terminated by an
34 employer, and who is subsequently rehired within one calendar
35 year of the date of termination of employment shall be entitled

1 to any unused hours of paid sick leave that had been accrued
2 by the employee prior to the termination of the employee's
3 employment. An employee whose employment is terminated by
4 an employer, and who is subsequently rehired longer than one
5 calendar year after the date of termination of employment shall
6 not be entitled to any unused hours of paid sick leave that had
7 been accrued by the employee prior to the termination of the
8 employee's employment unless agreed to by the employer.

9 Sec. 11. NEW SECTION. **94.7 Retaliation and discrimination**
10 **prohibited.**

11 An employer shall not retaliate or in any other manner
12 discriminate against an employee because the employee has
13 requested or used accrued paid sick leave in accordance with
14 this chapter or the employer's own paid sick leave policy, or
15 because the employee filed a complaint with the commissioner
16 alleging the employer's violation of this chapter or has
17 cooperated in filing such a complaint.

18 Sec. 12. NEW SECTION. **94.8 Complaints — remedies.**

19 An employee may file a complaint with the commissioner
20 alleging a violation of this chapter. Upon receipt of the
21 complaint, the commissioner shall cause an investigation to be
22 made to the extent deemed appropriate. If the commissioner
23 determines from the investigation that the provisions of this
24 chapter have been violated, the commissioner shall bring an
25 action in the appropriate district court against such person.
26 The district court shall have jurisdiction, for cause shown, to
27 restrain violations of this chapter and order all appropriate
28 relief, including payment for accrued paid sick leave used by
29 the employee or rehiring or reinstatement of the employee to
30 the former position with back pay.

31 Sec. 13. NEW SECTION. **94.9 Civil penalties.**

32 1. An employer who violates section 94.7 is subject to a
33 civil penalty of not more than five hundred dollars for each
34 violation. An employer who violates any other provision of
35 this chapter is subject to a civil penalty of not more than one

1 hundred dollars for each violation.

2 2. The commissioner may propose that an employer be assessed
3 a civil money penalty by serving the employer with notice of
4 such proposal in the same manner as an original notice is
5 served under the rules of civil procedure. Upon service of
6 such notice, the proposed assessment shall be treated as a
7 contested case under chapter 17A.

8 3. If an employer does not request a hearing pursuant
9 to subsection 2 or if the commissioner determines, after an
10 appropriate hearing, that an employer is in violation of this
11 chapter, the commissioner shall assess a civil money penalty,
12 consistent with the provisions of subsection 1.

13 4. An employer may seek judicial review of any assessment
14 rendered under subsection 3 by instituting proceedings for
15 judicial review pursuant to chapter 17A.

16 5. After the time for seeking judicial review has expired
17 or after all judicial review has been exhausted and the
18 commissioner's assessment has been upheld, the commissioner
19 shall request the attorney general to recover the assessed
20 penalties in a civil action. Any civil money penalty recovered
21 shall be deposited in the general fund of the state.

22 Sec. 14. NEW SECTION. 94.10 Construction.

23 This chapter shall not be construed to prohibit an employer
24 from doing any of the following:

25 1. Providing more paid sick leave than is required under
26 this chapter or placing limitations on the amount and purposes
27 for which an employee may use such additional leave.

28 2. Establishing a policy whereby an employee may donate
29 unused accrued paid sick leave to another employee.

30 3. Taking disciplinary action against an employee who uses
31 accrued paid sick leave under this chapter for purposes other
32 than those provided in this chapter.

33 Sec. 15. NEW SECTION. 94.11 Rules.

34 The commissioner shall adopt rules pursuant to chapter 17A
35 to administer this chapter.

1 Sec. 16. NEW SECTION. **95.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

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

6 2. "*Employee*" means a natural person who is employed in this
7 state for wages by an employer.

8 3. "*Employer*" means a person, as defined in section 4.1, who
9 in this state employs for wages a natural person.

10 4. "*Flexible working arrangement*" means a change in an
11 employee's terms and conditions of employment with respect to
12 work schedule, including but not limited to a modified work
13 schedule; changes in start or end times in a work schedule or
14 work shift; a predictable, stable work schedule; part-time
15 employment; job sharing arrangements; working from home;
16 telecommuting; limitations on the employee's availability to
17 work; changes in the location of the employee's worksite;
18 reduction or change in work duties; or part-year employment.

19 5. "*On call*" means time that an employer requires an
20 employee to be available to work, and to contact the employer
21 or the employer's designee or wait to be contacted by the
22 employer or the employer's designee to determine whether the
23 employee is required to report to work at that time.

24 6. "*Shift*" means the consecutive hours an employer requires
25 an employee to work or to be on call to work. Breaks totaling
26 two hours or less shall not be considered an interruption of
27 consecutive hours.

28 7. "*Wages*" means the same as defined in section 91A.2.

29 8. "*Work schedule*" means all of an employee's regular and
30 on-call shifts during a work week.

31 9. "*Work week*" means a fixed, consecutive seven-day period.

32 Sec. 17. NEW SECTION. **95.2 Advance notice of work
33 schedules.**

34 1. An employer shall provide each employee an initial
35 written work schedule at least twenty-one days before the first

1 day of the period covered by the work schedule. An employer
2 shall notify an employee of any change in the employee's work
3 schedule before the change takes effect and shall provide the
4 employee with a revised written work schedule reflecting any
5 such change within twenty-four hours of making the change.

6 2. An employer shall not require an employee to work hours
7 not included in the employee's initial written work schedule
8 without written consent in advance from the employee.

9 3. On or before the first day of an employee's employment,
10 the employer shall provide the employee with a written
11 work schedule for the employee's first twenty-one days of
12 employment.

13 4. An employer shall post a written work schedule that
14 includes the shifts of each current employee at a worksite
15 at least twenty-one days before the start of each work week,
16 whether or not the employee is scheduled to work or be on call
17 that week. The employer shall update the posted work schedule
18 within twenty-four hours of any change to the schedule. The
19 employer shall post the written work schedule in a place
20 that is readily accessible and visible to all employees at a
21 worksite.

22 5. An employer shall begin an employee's work week on
23 the same day of each week, unless the employer provides the
24 employee written notice of a change in the start day of the
25 work week twenty-one days in advance of the change.

26 6. An employer shall not require an employee to seek or find
27 a replacement employee for any shifts or hours an employee is
28 unable to work.

29 7. An employee may request a change in work schedule,
30 request to limit the employee's availability to work particular
31 hours, or otherwise provide input into the employee's work
32 schedule.

33 Sec. 18. NEW SECTION. 95.3 Flexible working arrangements.

34 1. An employee may submit a written request to an employer
35 for a flexible working arrangement at any time.

1 2. An employer shall consider an employee's request for a
2 flexible working arrangement in good faith and engage in an
3 interactive process with the employee to determine whether
4 the request can be granted in a manner consistent with the
5 employer's business operations and legal or contractual
6 obligations. The employer shall initiate the interactive
7 process within two days of receiving the request. If the
8 employer requires additional information from the employee in
9 order to make a determination, the employer shall explain to
10 the employee what further information is needed and shall give
11 the employee a reasonable time to respond.

12 3. Upon the conclusion of the interactive process, an
13 employer shall notify the employee in writing of the employer's
14 decision regarding a flexible working arrangement within two
15 days of the employer's last communication with the employee
16 during the interactive process.

17 4. An employer is required to grant an employee a flexible
18 working arrangement if the employee requests a flexible working
19 arrangement for one of the following reasons and provides
20 documentation of the reason to the employer:

21 a. A serious medical condition of the employee.

22 b. The employee's responsibilities as a caregiver.

23 c. The employee's participation in a career-related
24 educational or training program.

25 d. For a part-time employee, a reason relating to another
26 job of the employee.

27 Sec. 19. NEW SECTION. **95.4 Predictability pay required.**

28 1. An employer may make any of the following changes to an
29 employee's shift within twenty-one days of, but not less than
30 twenty-four hours from, the start of the shift if the employer
31 pays the affected employee one hour of predictability pay:

32 a. Subtract hours from a shift.

33 b. Add hours to a shift or add a shift.

34 c. Cancel a shift.

35 d. Change the start or end time of a shift.

1 2. An employer may make any of the following changes to the
2 employee's shift within twenty-four hours of the start of the
3 shift if the employer pays the affected employee one hour of
4 predictability pay:

5 a. Change the start or end time of a shift without changing
6 the total number of hours in the shift.

7 b. Add hours to a shift.

8 3. If an employer cancels an employee's shift or reduces the
9 hours in an employee's shift without notifying the employee at
10 least twenty-four hours before the shift would otherwise begin,
11 the employer shall pay the employee the lesser of four hours of
12 predictability pay or predictability pay equal to the number of
13 hours originally scheduled for the shift minus the number of
14 hours, if any, the employee actually worked for the shift.

15 4. Predictability pay shall be calculated on an hourly
16 basis and shall be equal to the employee's regular wage rate.
17 Predictability pay shall be in addition to any wages earned for
18 work performed by the employee during a shift. An employer
19 shall pay predictability pay to an employee in the same pay
20 period in which it is accrued by the employee.

21 5. An employer is not required to pay an employee
22 predictability pay under this section when a work schedule
23 change is the result of any of the following:

24 a. The employee's request, including but not limited to a
25 request to trade shifts with another employee, or to use sick
26 leave, vacation time, or any other type of leave.

27 b. A mutually agreed upon shift trade among employees.

28 **Sec. 20. NEW SECTION. 95.5 Exception for suspended**
29 **operations.**

30 The requirements of sections 95.2, 95.3, and 95.4 do not
31 apply to an employer when that employer's operations are
32 suspended for one of the following reasons:

33 1. A threat to the employer's employees or property.

34 2. A recommendation from a local, state, or federal agency
35 that work not begin or continue.

1 3. A failure of a public utility or sewer system.

2 4. A natural disaster or other weather-related event.

3 Sec. 21. NEW SECTION. **95.6 Right to rest.**

4 An employee may decline to work any hours that begin sooner
5 than eleven hours after the end of the employee's previous
6 shift.

7 Sec. 22. NEW SECTION. **95.7 Access to hours.**

8 If an employer has additional hours of work available in
9 positions held by current employees, the employer shall offer
10 such hours to current qualified employees before hiring new
11 employees or contractors, including the use of temporary
12 services or staffing agencies.

13 Sec. 23. NEW SECTION. **95.8 Discrimination based on hours
14 of work prohibited.**

15 1. An employer shall not pay a different regular rate of
16 pay to employees whose jobs require similar skill, effort, and
17 duties and are performed under similar working conditions,
18 based on the number of hours an employee is scheduled to work.
19 An employer may pay different hourly wages based on other
20 permissible factors, including but not limited to seniority
21 systems, merit, employee responsibilities, or systems that
22 measure earnings by quantity or quality of production.

23 2. An employer shall not condition eligibility for leave or
24 time off differently for employees whose jobs require similar
25 skill, effort, and duties and are performed under similar
26 working conditions, based on the number of hours an employee is
27 scheduled to work. An employer may prorate employee leave or
28 time off based on the number of hours the employee works.

29 3. An employer shall not condition eligibility for raises or
30 promotions differently for employees whose jobs require similar
31 skill, effort, and duties and are performed under similar
32 working conditions, based on the number of hours an employee
33 is scheduled to work. An employer may condition eligibility
34 for raises or promotions on other permissible factors,
35 including but not limited to seniority systems, merit, employee

1 responsibilities, or the nature and amount of an employee's
2 work experience.

3 Sec. 24. NEW SECTION. **95.9 Retaliation prohibited.**

4 1. An employer shall not discharge or take any other
5 adverse action against an employee in retaliation for asserting
6 any claim or right under this chapter, for assisting another
7 employee in doing so, or for informing another employee about
8 their rights under this chapter. An employer taking any
9 adverse action against an employee within one year of the
10 employee's engaging in such activities raises a rebuttable
11 presumption that such action was retaliatory in nature. Such
12 presumption may be rebutted by clear and convincing evidence
13 that such action was taken for other permissible reasons.

14 2. Any employee may file a complaint with the commissioner
15 alleging retaliation within one year after such action occurs.
16 Upon receipt of the complaint, the commissioner shall cause an
17 investigation to be made to the extent deemed appropriate. If
18 the commissioner determines from the investigation that the
19 provisions of this section have been violated, the commissioner
20 shall bring an action in the appropriate district court against
21 such person. The district court shall have jurisdiction, for
22 cause shown, to restrain violations of this section and order
23 all appropriate relief including rehiring or reinstatement of
24 the employee to the former position with back pay.

25 Sec. 25. NEW SECTION. **95.10 Damages recoverable by an
26 employee.**

27 In addition to any other remedy provided by law, an employee
28 may bring a civil action against an employer for a violation
29 of this chapter in any court of competent jurisdiction for
30 an amount equal to three times any damages incurred by the
31 employee. The employee may also recover court costs and
32 attorney fees and receive injunctive and other appropriate
33 relief as the court may order.

34 Sec. 26. NEW SECTION. **95.11 General powers and duties of
35 the commissioner.**

1 1. The commissioner shall administer and enforce the
2 provisions of this chapter. The commissioner may hold hearings
3 and investigate charges of violations of this chapter.

4 2. The commissioner, consistent with due process of law,
5 may enter any place of employment to inspect records relevant
6 to the enforcement of this chapter, to question the employer
7 and employees, and to investigate such facts, conditions, or
8 matters as are deemed appropriate in determining whether any
9 person has violated the provisions of this chapter. However,
10 such entry by the commissioner shall only be in response to a
11 written complaint.

12 3. The commissioner may employ such qualified personnel
13 as are necessary for the enforcement of this chapter. Such
14 personnel shall be employed pursuant to chapter 8A, subchapter
15 IV.

16 4. The commissioner shall adopt rules pursuant to chapter
17 17A to administer this chapter.

18 Sec. 27. NEW SECTION. 95.12 Settlement of claims and suits
19 for wages.

20 1. Upon the written complaint by an employee of a
21 violation of this chapter, the commissioner may determine
22 whether the complaint may constitute an enforceable claim.
23 If for any reason the commissioner decides not to make such
24 determination, the commissioner shall so notify the complaining
25 employee within fourteen days of receipt of the complaint.
26 The commissioner shall otherwise notify the employee of
27 such determination within a reasonable time and if it is
28 determined that the complaint contains an enforceable claim,
29 the commissioner shall, with the consent of the complaining
30 employee, take an assignment in trust for the wages and for
31 any claim for liquidated damages without being bound by any of
32 the technical rules respecting the validity of the assignment.
33 However, the commissioner shall not accept a complaint after
34 one year from the date a violation occurred.

35 2. The commissioner, with the assistance of the office

1 of the attorney general if the commissioner requests such
2 assistance, shall, unless a settlement is reached under this
3 subsection, commence a civil action in any court of competent
4 jurisdiction to recover for the benefit of any employee
5 any claims that have been assigned to the commissioner for
6 recovery. The commissioner may also request reasonable and
7 necessary attorney fees. With the consent of the assigning
8 employee, the commissioner may also settle a claim on behalf
9 of the assigning employee. Proceedings under this subsection
10 and subsection 1 that precede commencement of a civil action
11 shall be conducted informally without any party having a right
12 to be heard before the commissioner. The commissioner may join
13 various assignments in one claim for the purpose of settling or
14 litigating claims.

15 3. The provisions of subsections 1 and 2 shall not be
16 construed to prevent an employee from settling or bringing a
17 civil action for damages under section 95.10 if the employee
18 has not assigned the claim under subsection 1.

19 4. A recovery of attorney fees, in the case of civil
20 actions brought under this section by the commissioner, shall
21 be remitted by the commissioner to the treasurer of state for
22 deposit in the general fund of the state. The commissioner
23 shall not be required to pay any filing fee or other court
24 costs.

25 Sec. 28. NEW SECTION. 95.13 Civil penalties.

26 1. An employer who violates the provisions of this chapter
27 or the rules adopted under it shall be subject to a civil
28 penalty of not more than five hundred dollars per pay period
29 for each violation. The commissioner may recover a civil
30 penalty according to the provisions of subsections 2 through
31 5. A civil penalty recovered shall be deposited in the general
32 fund of the state.

33 2. The commissioner may propose that an employer be assessed
34 a civil penalty by serving the employer with notice of such
35 proposal in the same manner as an original notice is served

1 under the rules of civil procedure. Upon service of such
2 notice, the proposed assessment shall be treated as a contested
3 case under chapter 17A, if the employer requests a hearing
4 within thirty days of being served.

5 3. If an employer does not request a hearing pursuant
6 to subsection 2 or if the commissioner determines, after an
7 appropriate hearing, that an employer is in violation of this
8 chapter, the commissioner shall assess a civil penalty under
9 subsection 1 which is rendered with due consideration for the
10 penalty amount in terms of the size of the employer's business,
11 the gravity of the violation, the good faith of the employer,
12 and the history of previous violations.

13 4. An employer may seek judicial review of any assessment
14 made under subsection 3 by instituting proceedings for judicial
15 review pursuant to chapter 17A. However, such proceedings must
16 be instituted in the district court of the county in which the
17 violation or one of the violations occurred and within thirty
18 days of the day on which the employer was notified that an
19 assessment was made. Also, an employer may be required, at
20 the discretion of the district court and upon instituting such
21 proceedings, to deposit the amount assessed with the clerk of
22 the district court. Any moneys so deposited shall either be
23 returned to the employer or be forwarded to the commissioner
24 for deposit in the general fund of the state, depending on the
25 outcome of the judicial review, including any appeal to the
26 supreme court.

27 5. After the time for seeking judicial review has expired
28 or after all judicial review has been exhausted and the
29 commissioner's assessment has been upheld, the commissioner
30 shall request the attorney general to recover the assessed
31 civil penalty in a civil action.

32 **Sec. 29. NEW SECTION. 95.14 More generous policies**
33 **encouraged.**

34 This chapter shall not be construed to discourage or
35 prohibit an employer from the adoption or retention of a policy

1 that meets or exceeds but does not otherwise conflict with the
2 minimum standards and requirements provided in this chapter.

3 Sec. 30. NEW SECTION. **95.15 Collective bargaining**
4 **agreements.**

5 If any provision of this chapter conflicts with a provision
6 of an applicable collective bargaining agreement, the provision
7 of the collective bargaining agreement shall govern.

8 Sec. 31. NEW SECTION. **96A.1 Short title.**

9 This chapter may be cited as the "*Iowa Family and Medical*
10 *Leave Act*".

11 Sec. 32. NEW SECTION. **96A.2 Definitions.**

12 As used in this chapter, unless the context otherwise
13 requires:

14 1. "*Child*" means a biological, adopted, or foster child,
15 a stepchild, a legal ward, or a child of a person standing in
16 loco parentis, regardless of the child's age or dependency
17 status.

18 2. "*Covered employer*" means a private sector employer who
19 has ten or more employees for each working day during each of
20 twenty or more calendar workweeks in the current or previous
21 calendar year and a public employer without regard to the
22 number of employees employed.

23 3. "*Department*" means the department of workforce
24 development.

25 4. "*Director*" means the director of the department of
26 workforce development.

27 5. "*Employee*" means the same as defined in section 91A.2.
28 "*Employee*" does not include an independent contractor, a self-
29 employed person, or a patient or inmate employed by a state
30 or local institution to which the patient or inmate has been
31 sentenced or committed.

32 6. "*Employer*" means the same as defined in 91A.2.
33 "*Employer*" includes a temporary staffing agency or employment
34 agency.

35 7. "*Employment benefits*" means all benefits provided or

1 made available to an employee by an employer, including group
2 life insurance, health insurance, disability insurance, sick
3 leave, annual leave, educational benefits, and pensions except
4 benefits that are provided by a practice or written policy of
5 an employer or through an employee benefit plan as defined in
6 29 U.S.C. §1002(3).

7 8. "*Family leave*" means a leave taken from work by an
8 employee for any of the following reasons:

9 a. To participate in providing care, including physical or
10 psychological care, for a family member of the employee made
11 necessary by a serious health condition of the family member.

12 b. To bond with the employee's child after the child's
13 birth or with a child under the age of eighteen placed with the
14 employee for adoption or foster care.

15 c. Because of a qualifying exigency for a family member as
16 permitted under the federal Family and Medical Leave Act of
17 1993, as amended, and federal regulations as provided in 29
18 C.F.R. §825.126.

19 9. "*Family member*" means a child, parent, or spouse of an
20 employee.

21 10. "*Gross earnings*" means the same as defined in section
22 85.61.

23 11. "*Health care provider*" means a physician or other
24 health care practitioner licensed, accredited, registered, or
25 certified to perform specified health care services consistent
26 with state law.

27 12. "*In loco parentis*" means an individual who has
28 day-to-day responsibilities to care for or financially support
29 a child.

30 13. "*Inpatient care*" means an overnight stay in a hospital,
31 hospice, or residential medical care facility, including any
32 period of incapacity, or any subsequent treatment in connection
33 with such inpatient care.

34 14. "*Medical leave*" means a leave from work taken by an
35 employee made necessary by the employee's own serious health

1 condition.

2 15. "*Parent*" means a biological, adoptive, step, or foster
3 father or mother, or any other individual who stands in
4 loco parentis to an employee or who stood in loco parentis
5 when the employee was a child. "*Parent*" does not include a
6 parent-in-law.

7 16. "*Period of incapacity*" means an inability to work,
8 attend school, or perform other regular daily activities due
9 to a serious health condition, treatment of a serious health
10 condition, or recovery from a serious health condition.

11 17. "*Premium*" or "*premiums*" means the payments required by
12 section 96A.12 and paid to the department for deposit in the
13 family and medical leave insurance account pursuant to section
14 96A.22.

15 18. "*Public employer*" means the state of Iowa, its
16 boards, commissions, agencies, departments, and its political
17 subdivisions including school districts and other special
18 purpose districts.

19 19. "*Serious health condition*" means an illness, injury,
20 impairment, physical condition, or mental condition that
21 involves inpatient care in a hospital, hospice, medical care
22 facility, or continued treatment or continuing supervision by
23 a health care provider.

24 20. "*Spendable weekly earnings*" means the amount remaining
25 after payroll taxes are deducted from an employee's gross
26 weekly earnings.

27 21. "*Spouse*" means the person with whom an individual has
28 entered into marriage as defined or recognized under state law
29 for purposes of marriage in the state in which the marriage
30 was entered into or, in the case of a marriage entered into
31 outside of any state, if the marriage is valid in the place
32 where the marriage was entered into and the marriage could have
33 been entered into in at least one state, including a same sex
34 or common law marriage.

35 22. "*Wages*" means the same as defined in section 91A.2.

1 Sec. 33. NEW SECTION. **96A.3 Benefit eligibility.**

2 An employee is eligible for family leave and medical leave
3 as provided in this chapter after working for a covered
4 employer for both a minimum of twelve consecutive months
5 immediately preceding the employee's request for leave and a
6 minimum of one thousand two hundred fifty hours during that
7 twelve-consecutive-month period.

8 Sec. 34. NEW SECTION. **96A.4 Leave entitlement for a defined
9 twelve-month period.**

10 1. An employee is entitled to a maximum of twelve weeks
11 of family leave during a defined period of twelve consecutive
12 months.

13 2. An employee is entitled to a maximum of twelve weeks of
14 medical leave during a defined period of twelve consecutive
15 months unless the employee experiences a serious health
16 condition, which is pregnancy-related, that results in a longer
17 period of incapacity in which case any extended medical leave
18 beyond twelve weeks shall conform with section 216.6.

19 3. An employee is entitled to a maximum combined total of
20 paid family leave and medical leave of sixteen weeks during a
21 defined period of twelve consecutive months.

22 4. An employee is not entitled to family leave or medical
23 leave of less than eight consecutive hours.

24 Sec. 35. NEW SECTION. **96A.5 Calculating the defined
25 twelve-month period.**

26 The defined period of twelve consecutive months for
27 calculation of an eligible employee's family leave or medical
28 leave entitlement begins on any of the following:

29 1. The date of birth of an employee's child or the date
30 of placement of a child for adoption or foster care with the
31 employee.

32 2. The first day of family leave that an employee takes for
33 a family member's serious health condition or a family member's
34 qualifying exigency.

35 3. The first day of medical leave.

1 Sec. 36. NEW SECTION. **96A.6 Disqualification from leave**
2 **entitlement.**

3 An eligible employee is disqualified for family leave or
4 medical leave benefits under this chapter for any of the
5 following:

6 1. An absence due to the employee's willful intention to
7 injure or cause a sickness to the employee or to the employee's
8 family member.

9 2. An injury or sickness caused by the employee engaging in
10 an illegal act.

11 3. The employee's absence due to an employer taking any
12 disciplinary action against the employee.

13 Sec. 37. NEW SECTION. **96A.7 Employee notice to employer**
14 **of intent to take leave.**

15 1. If leave for the birth of a child or placement of a child
16 for adoption or foster care with an employee is foreseeable,
17 the employee shall provide written notice not less than thirty
18 calendar days before the date the leave is to begin.

19 2. If the birth of a child or placement of a child for
20 adoption or foster care with an employee requires leave to
21 begin in less than thirty calendar days, the employee shall
22 provide written notice as far in advance as is practicable.

23 3. If leave for a family member's serious health condition
24 or an employee's serious health condition is foreseeable based
25 on planned medical treatment, the employee shall do all of the
26 following:

27 *a.* Make a reasonable effort to schedule such medical
28 treatment, subject to the recommendation of the employee's or
29 family member's health care provider as appropriate, to not
30 unduly disrupt the operations of the employer.

31 *b.* Provide the employer with not less than thirty calendar
32 days prior written notice of the employee's intention to take
33 leave for a family member's serious health condition or the
34 employee's serious health condition.

35 4. If leave for a family member's serious health condition

1 or an employee's serious health condition is not foreseeable,
2 the employee shall provide written notice as far in advance as
3 is practicable.

4 Sec. 38. NEW SECTION. **96A.8 Weekly claim, certification,**
5 **and verification.**

6 Beginning January 1, 2025, family leave or medical leave
7 insurance benefits are payable to an employee during a period
8 in which the employee is unable to perform the employee's
9 regular or customary work because the employee is on family
10 leave or medical leave if the employee meets all of the
11 following requirements:

12 1. The employee files a weekly claim for benefits with the
13 department as required per rules adopted by the director.

14 2. The employee meets the eligibility requirements pursuant
15 to section 96A.3 or the elective coverage requirements pursuant
16 to section 96A.14.

17 3. The employee consents to the disclosure of information or
18 records that may be deemed private or confidential under state
19 or federal law. Disclosure of such information and records by
20 another state agency or an employer to the department shall
21 be solely for purposes related to the administration of this
22 chapter. Information and records disclosed by an employee
23 under this chapter shall not be public records as defined in
24 section 22.1.

25 4. The employee authorizes the health care provider of the
26 employee's family member or of the employee, as applicable, to
27 complete a certification of a serious health condition in a
28 form as required by the director.

29 5. The employee attests that written notice has been
30 provided to the employee's employer per section 96A.7.

31 6. The employee provides documentation of a family member's
32 qualifying exigency if requested by the employee's employer.

33 Sec. 39. NEW SECTION. **96A.9 Waiting period for leave**
34 **benefits.**

35 Family leave or medical leave insurance benefits shall be

1 payable to an eligible employee following a waiting period
2 consisting of the first seven calendar days of leave. However,
3 no such waiting period applies to a leave for the birth or
4 placement of a child with an eligible employee.

5 Sec. 40. NEW SECTION. 96A.10 **Weekly leave benefit amount.**

6 1. The basis for the calculation of a leave benefit amount
7 shall be the weekly earnings of an eligible employee on the
8 day the leave is granted. "*Weekly earnings*" means the gross
9 earnings of an employee to which such employee would have been
10 entitled had the employee worked the employee's customary hours
11 for the full pay period in which the employee is on family
12 leave or medical leave. Weekly earnings shall be computed as
13 follows, rounded to the nearest dollar, for an employee who is
14 paid on the following basis:

15 a. On a weekly pay period basis, the weekly earnings are the
16 weekly gross earnings.

17 b. On a biweekly pay period basis, the weekly earnings are
18 one-half of the biweekly gross earnings.

19 c. On a semimonthly pay period basis, the weekly earnings
20 are the semimonthly gross earnings multiplied by twenty-four
21 and then divided by fifty-two.

22 d. On a monthly pay period basis, the weekly earnings
23 are the monthly gross earnings multiplied by twelve and then
24 divided by fifty-two.

25 e. On a yearly pay period basis, the weekly earnings shall
26 be the yearly earnings divided by fifty-two.

27 f. On a daily or hourly basis, or by the output of an
28 employee, the weekly earnings shall be computed by dividing by
29 thirteen the earnings, including shift differential pay but
30 not including overtime or premium pay, of the employee earned
31 in the last completed period of thirteen consecutive calendar
32 weeks immediately preceding the start day of the leave. If
33 the employee was absent from employment for personal reasons
34 during part of the thirteen calendar weeks preceding the
35 leave, the employee's weekly earnings shall be the amount the

1 employee would have earned had the employee worked when work
2 was available to other employees of the employer in a similar
3 occupation. A week that does not fairly reflect the employee's
4 customary earnings shall be replaced by the closest previous
5 week with earnings that fairly represent the employee's
6 customary earnings.

7 2. If on the date that leave begins an employee's hourly
8 earnings cannot be ascertained, the earnings for the purpose
9 of calculating the benefit amount shall be the usual earnings
10 for similar services where such services are rendered by paid
11 employees.

12 3. If an employee earns either no wages or less than the
13 usual weekly earnings of a regular full-time adult laborer
14 in the line of work in which the employee is working in
15 that locality, the weekly earnings shall be one-fiftieth of
16 the total earnings which the employee has earned from all
17 employment during the twelve consecutive calendar months
18 immediately preceding the date that the employee's leave
19 begins.

20 4. The weekly leave benefit amount payable to an employee
21 for any one week shall be eighty percent of the employee's
22 spendable weekly earnings, but shall not exceed an amount equal
23 to two hundred percent of the statewide average weekly wage
24 paid to employees as determined by the department pursuant to
25 section 96.19 and in effect on the date that the employee's
26 leave commences. However, the weekly leave benefit amount
27 shall be a minimum equal to the lesser of the weekly leave
28 benefit amount of a person whose gross weekly earnings are
29 thirty-five percent of the statewide average weekly wage, or to
30 the spendable weekly earnings of the employee.

31 Sec. 41. NEW SECTION. 96A.11 Payment of benefits to an
32 eligible employee.

33 1. The department shall send the first benefit payment to
34 an employee within ten calendar days after the first properly
35 completed weekly claim from the employee is received by

1 the department. Subsequent payments shall be sent at least
2 biweekly to an eligible employee if a properly completed weekly
3 claim from the employee is received by the department.

4 2. If an employer contests an employee's initial claim
5 for family leave or medical leave benefits, the employer must
6 notify the employee and the department in the manner prescribed
7 by the director within ten calendar days of the employer's
8 receipt of notice from the department of the employee's filing
9 of a claim for benefits pursuant to section 96A.21, subsection
10 3. Failure to timely contest an initial application shall
11 constitute a waiver of objection to the family leave or medical
12 leave claim.

13 3. If the department or the employer contests an employee's
14 eligibility for benefits after the employee begins receiving
15 benefits the employee shall continue to be paid benefits
16 conditionally for any weeks for which the employee files a
17 claim for benefits. The employee's right to retain such
18 benefit payments shall be conditioned upon the department's
19 finding that the employee is eligible for such benefit
20 payments.

21 a. At an employee's request, the department shall hold
22 conditional benefit payments until the department resolves the
23 employee's eligibility status.

24 b. Payment shall be issued promptly for any withheld benefit
25 payments if the department determines that an employee is
26 eligible for benefits.

27 c. If the department determines that an employee is
28 ineligible for the conditionally paid benefits, the employee
29 shall repay the overpayment per rules as adopted by the
30 director.

31 Sec. 42. NEW SECTION. 96A.12 Funding the family leave and
32 medical leave insurance program.

33 1. Beginning on January 1, 2023, and ending December
34 31, 2024, the department shall assess for each employee
35 in employment with a covered employer a premium rate of

1 four-tenths of one percent of an employee's wages based on the
2 amount of the individual's wages, subject to subsection 6.

3 *a.* The premium rate for family leave benefits shall be equal
4 to one-third of the total premium rate.

5 *b.* The premium rate for medical leave benefits shall be
6 equal to two-thirds of the total premium rate.

7 2. For calendar year 2025 and subsequent calendar years the
8 director shall determine the percentage of paid claims related
9 to family leave benefits and the percentage of paid claims
10 related to medical leave benefits and adjust the premium rates
11 set in subsection 1 by the proportional share of claims paid
12 for both types of leave.

13 3. For family leave premiums a covered employer may deduct
14 up to forty-five percent of the full amount of the required
15 premiums from the wages of each employee. The remaining
16 fifty-five percent of the required premiums shall be paid by
17 the covered employer.

18 4. For medical leave premiums a covered employer may deduct
19 up to forty-five percent of the full amount of the required
20 premiums from the wages of each employee. The remaining
21 fifty-five percent of the required premiums shall be paid by
22 the covered employer.

23 5. A covered employer may elect to pay all or any portion of
24 the employee's share of the premiums for family leave benefits
25 or medical leave benefits or both.

26 6. The director shall annually set a maximum limit on the
27 amount of an employee's wages that are subject to a premium
28 assessment under this section that is equal to the contribution
29 and benefit base for the calendar year as determined by the
30 United States social security administration for purposes of
31 26 U.S.C. §3121(a).

32 7. For calendar year 2025 and subsequent calendar years,
33 the total premium rate shall be based on the family leave and
34 medical leave insurance account balance ratio as of September
35 30 of the previous year. The director shall calculate the

1 account balance ratio by dividing the balance of the family
2 leave and medical leave insurance account by the total wages
3 paid by covered employers. The division shall be carried
4 to the fourth decimal place with the remaining fraction
5 disregarded unless it amounts to five hundred thousandths or
6 more in which case the fourth decimal place shall be rounded
7 to the next higher digit. If the family leave and medical
8 leave insurance account balance ratio is any of the following
9 percentages, the premium shall be the following percentage of
10 an employee's wages subject to a premium assessment:

11 *a.* If the ratio is zero to nine hundredths of one percent,
12 the premium shall be six-tenths of one percent.

13 *b.* If the ratio is one-tenth of one percent to nineteen
14 hundredths of one percent, the premium shall be five-tenths of
15 one percent.

16 *c.* If the ratio is two-tenths of one percent to twenty-nine
17 hundredths of one percent, the premium shall be four-tenths of
18 one percent.

19 *d.* If the ratio is three-tenths of one percent to
20 thirty-nine hundredths of one percent, the premium shall be
21 three-tenths of one percent.

22 *e.* If the ratio is four-tenths of one percent to forty-nine
23 hundredths of one percent, the premium shall be two-tenths of
24 one percent.

25 *f.* If the ratio is five-tenths of one percent or greater,
26 the premium shall be one-tenth of one percent.

27 8. Beginning January 1, 2025, if the account balance ratio
28 calculated in subsection 7 is below five hundredths of one
29 percent, the director shall assess a solvency surcharge at
30 the lowest rate necessary to provide revenue to pay for the
31 administrative and benefit costs of family leave and medical
32 leave insurance for the calendar year. The solvency surcharge
33 shall be at least one-tenth of one percent and no more than
34 six-tenths of one percent and shall be added to the total
35 premium rate assessed to each employee of a covered employer

1 for family leave and medical leave benefits.

2 9. A covered employer shall collect all required premiums
3 and surcharges from the employer's employees through payroll
4 deductions and shall remit the amount collected and the amount
5 to be paid by the employer to the department as required by
6 rules adopted by the director.

7 10. On September 30 of each year the department shall
8 average the number of employees reported by an employer over
9 the last four completed calendar quarters to determine the
10 number of employees employed by the employer for the purpose
11 of determining if an employer shall be considered a covered
12 employer for the next calendar year.

13 Sec. 43. NEW SECTION. 96A.13 **Waiver of premium for**
14 **out-of-state employee.**

15 1. An employer may file an application with the department
16 for a conditional waiver of the payment of family leave and
17 medical leave premiums assessed under section 96A.12 for an
18 employee who meets all of the following requirements:

19 a. The employee is physically based outside of the state.

20 b. The employee is physically working in the state on a
21 limited or temporary work schedule.

22 c. The employee is not expected to be physically working
23 in the state for one thousand two hundred fifty hours or more
24 during any consecutive twelve-month period.

25 2. The department shall approve an application that is
26 signed by both the employee and the employee's employer
27 attesting to compliance with the requirements of subsection 1.

28 3. If the employee physically works in the state for one
29 thousand two hundred fifty hours or more in any consecutive
30 twelve-month period, the conditional waiver shall expire and
31 the employer and employee shall be responsible for all premiums
32 pursuant to section 96A.12 for the consecutive twelve-month
33 period in which the employee worked one thousand two hundred
34 fifty hours or more. Upon submission of the premiums by the
35 employer to the department, the employee shall be credited for

1 the hours worked during that consecutive twelve-month period
2 and shall be eligible for benefits under this chapter.

3 Sec. 44. NEW SECTION. 96A.14 Self-employed persons elective
4 participation in the family leave and medical leave insurance
5 program.

6 1. A self-employed person electing to participate in the
7 family leave and medical leave insurance program shall be
8 considered either an employer or employee under this chapter as
9 the context so dictates.

10 2. For benefits payable beginning January 1, 2025, a
11 self-employed person may elect to participate in the family
12 leave and medical leave insurance program under this chapter
13 if the self-employed person meets all of the following
14 requirements:

15 a. The initial participation period for the self-employed
16 person must be a minimum of three years.

17 b. Any subsequent period of participation by the
18 self-employed person must be for a minimum of one year.

19 c. The self-employed person must participate in both family
20 leave and medical leave.

21 d. One hundred percent of all premiums assessed under
22 section 96A.12 shall be paid by the self-employed person.

23 3. A self-employed person shall file a written notice of
24 election of elective coverage with the department in the manner
25 required by the director.

26 4. A self-employed person shall be eligible for
27 family leave and medical leave benefits after working one
28 thousand two hundred fifty hours in the state during the
29 twelve-consecutive-month period immediately following the date
30 of the written notice the self-employed person filed pursuant
31 to subsection 3.

32 5. A self-employed person who has elected coverage may
33 withdraw from coverage within thirty calendar days after the
34 end of each participation period pursuant to subsection 2,
35 paragraph "a" or "b", by filing a written notice of withdrawal

1 as required by the director. The withdrawal shall take effect
2 no sooner than thirty calendar days after the self-employed
3 person files the notice of withdrawal.

4 6. If a self-employed person fails to submit the required
5 premium payments, the department may cancel the person's
6 elective coverage. The cancellation shall be effective no
7 sooner than thirty days from the date of a written notice
8 from the department to the self-employed person advising the
9 self-employed person of the impending cancellation of the
10 self-employed person's elective coverage. The department shall
11 collect all due and unpaid premiums from the self-employed
12 person for the remainder of the participation period pursuant
13 to subsection 2, paragraph "a" or "b".

14 Sec. 45. NEW SECTION. 96A.15 **Employment protection.**

15 1. An eligible employee who takes family leave or medical
16 leave under this chapter is entitled to any of the following on
17 the employee's return from leave:

18 a. To be restored to the same position held by the employee
19 when the employee's leave commenced.

20 b. To be restored to an equivalent position with equivalent
21 employment benefits, pay, and other terms and conditions of
22 employment.

23 2. As a condition of restoration under subsection 1 for an
24 employee who has taken medical leave, the employer may apply
25 a uniform policy to the employee that requires an employee to
26 provide certification from the employee's health care provider
27 that the employee is able to resume work.

28 3. Taking leave under this chapter shall not result in the
29 loss of any employment benefits accrued by an employee prior to
30 the date on which the employee's leave commenced.

31 4. This section shall not be construed to entitle a restored
32 employee to any of the following:

33 a. The accrual of any seniority or employment benefits
34 during any period of leave.

35 b. Any right, benefit, or position of employment other than

1 any right, benefit, or position of employment to which the
2 employee would have been entitled had the employee not taken
3 leave.

4 5. This section shall not be construed to prohibit an
5 employer from requiring an employee on leave to report
6 periodically to the employer on the status and intention of the
7 employee to return to work.

8 6. An employer may deny restoration under this section to
9 a salaried employee who is among the ten percent highest-paid
10 employees employed by the employer within seventy-five miles
11 of the facility at which the employee is employed if all of the
12 following apply:

13 a. Denial of restoration is necessary to prevent substantial
14 and grievous economic injury to the operations of the employer.

15 b. The employer notifies the employee of the intent of the
16 employer to deny restoration on such basis at the time the
17 employer determines such basis exists.

18 c. The employee is on leave and elects not to return
19 to employment after receiving the employer's notice of the
20 employer's intent not to restore the employee.

21 7. This section shall not be construed as providing an
22 employee greater restoration rights than those required under
23 the federal Family and Medical Leave Act of 1993, as amended.

24 **Sec. 46. NEW SECTION. 96A.16 Maintenance of existing health**
25 **benefits.**

26 If required by the federal Family and Medical Leave
27 Act of 1993, as amended, an employer shall maintain any
28 existing health benefits of an employee for the duration of
29 an employee's leave under this chapter. If the employer and
30 the employee normally share the cost of such existing health
31 benefits, the employee shall remain responsible for the
32 employee's share of the cost of such.

33 **Sec. 47. NEW SECTION. 96A.17 Employer submission of reports**
34 **and maintenance of records.**

35 1. As specified by the director and in the form and at the

1 time as required by the director, an employer shall submit
2 reports and furnish information related to the family leave and
3 medical leave insurance program to the director.

4 2. An employer shall maintain at the employer's primary
5 place of business a record of employment for each employee from
6 which any information needed by the department for purposes of
7 this chapter may be obtained. Such record shall be maintained
8 for ten years from the date on which an eligible employee
9 applies for family leave or medical leave under this chapter.
10 The record shall be open for inspection by the director at all
11 times. All personnel and employee medical records shall be
12 maintained by the employer in compliance with all applicable
13 federal and state laws.

14 Sec. 48. NEW SECTION. 96A.18 **Coordination of family leave
15 and medical leave with other laws and with employer policies.**

16 1. Family leave or medical leave taken by an employee under
17 this chapter shall be in addition to any leave available to
18 an employee as required by applicable state or federal law
19 for sickness or temporary disability because of pregnancy or
20 childbirth.

21 2. Family leave or medical leave taken by an employee under
22 this chapter shall be taken concurrently with any leave taken
23 under the federal Family and Medical Leave Act of 1993, as
24 amended.

25 3. An employer may allow an employee who has accrued
26 vacation, sick, or other paid time off to choose to use either
27 such accrued time or to receive paid family leave or medical
28 leave insurance benefits under this chapter.

29 Sec. 49. NEW SECTION. 96A.19 **Relationship to other state
30 and federal benefits.**

31 In any week an employee is eligible to receive benefits under
32 chapter 85, 85A, 85B, or 96, or any other applicable state or
33 federal unemployment compensation, workers' compensation, or
34 disability insurance laws, the employee is disqualified from
35 receiving family leave or medical leave insurance benefits

1 under this chapter.

2 Sec. 50. NEW SECTION. **96A.20 Discrimination prohibited.**

3 This chapter shall not be construed to modify or affect any
4 federal, state, or local law prohibiting discrimination on the
5 basis of age, race, creed, color, sex, sexual orientation,
6 gender identity, national origin, religion, disability, or
7 other protected category.

8 Sec. 51. NEW SECTION. **96A.21 Department to administer
9 family leave and medical leave insurance program and conduct
10 outreach.**

11 1. The director shall establish and administer the family
12 leave and medical leave insurance program and disburse family
13 leave and medical leave benefits to an eligible employee as
14 specified in this chapter.

15 2. The director shall establish procedures and forms for
16 an employee to file an application for benefits under this
17 chapter.

18 3. The department shall notify an employer within five
19 business days of an employee filing a claim for family leave or
20 medical leave insurance benefits.

21 4. Information and records pertaining to an employee under
22 this chapter that are maintained by the department shall
23 be confidential and shall only be available to department
24 personnel in the performance of official duties.

25 5. The director shall develop and implement an outreach
26 program to ensure that employers and employees are aware of
27 the family leave and medical leave insurance program and are
28 aware of the leave benefits available to eligible employees.
29 Outreach information shall explain in an easy-to-understand
30 format all of the following:

31 *a.* Eligibility requirements.

32 *b.* The application process.

33 *c.* How weekly benefits are calculated and the minimum and
34 maximum weekly benefit amount.

35 *d.* Restoration rights.

1 e. Nondiscrimination rights.

2 f. Confidentiality.

3 g. The relationship between employment protection, leave
4 from employment, wage replacement benefits under this chapter
5 and other laws, and employer policies.

6 6. The department shall be authorized to inspect and audit
7 an employer's files and records relating to the family leave
8 and medical leave insurance program under this chapter.

9 Sec. 52. NEW SECTION. **96A.22 Family leave and medical leave**
10 **insurance account.**

11 1. The family leave and medical leave insurance account
12 is created as a separate account in the state treasury in the
13 custody of the treasurer of state.

14 2. The director shall deposit all receipts from premiums
15 imposed under this chapter into such account. Expenditures
16 from the account shall be used only for the purposes of the
17 family leave and medical leave insurance program and only as
18 authorized by the director.

19 3. All premiums deposited in the account shall remain in
20 the account until expended pursuant to the requirements of this
21 chapter.

22 Sec. 53. NEW SECTION. **96A.23 Rules.**

23 The director shall adopt rules pursuant to chapter 17A to
24 administer this chapter.

25 Sec. 54. NEW SECTION. **96A.24 Enforcement.**

26 The director may take any action under the director's
27 authority to enforce compliance with this chapter.

28 Sec. 55. **DIRECTOR ANALYSIS OF FUNDING THE FAMILY LEAVE**
29 **AND MEDICAL LEAVE INSURANCE PROGRAM AND REPORT TO THE GENERAL**
30 **ASSEMBLY.** The director of the department of workforce
31 development shall conduct an analysis of the family leave
32 and medical leave insurance program as funded pursuant to
33 section 96A.12, as enacted in this Act, and of the benefits
34 paid pursuant to section 96A.10, as enacted in this Act. The
35 director shall determine if the premium rates and benefit

1 levels are appropriate to fully fund and maintain the solvency
2 of the family leave and medical leave insurance account. The
3 director shall submit the director's findings in a report to
4 the general assembly and the governor no later than January 11,
5 2021.

6 Sec. 56. APPLICABILITY.

7 1. This Act applies to collective bargaining agreements
8 entered into on or after the effective date of this Act.

9 2. For an employee hired prior to the effective date of
10 this Act, paid sick leave required pursuant to chapter 94, as
11 enacted by this Act, shall begin to accrue on the effective
12 date of this Act. For an employee hired on or after the
13 effective date of this Act, paid sick leave required pursuant
14 to this Act shall begin to accrue on the service employee's
15 date of hire.

16 EXPLANATION

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

19 This bill provides for paid sick leave and scheduling
20 procedures for employees and establishes a family leave and
21 medical leave insurance program.

22 PAID SICK LEAVE. The bill requires an employer to provide
23 paid sick leave annually to each employee employed by the
24 employer. The leave shall accrue at a rate of one hour of leave
25 for each 56 hours worked by an employee, up to a maximum of 56
26 hours per calendar year. An employee shall not be entitled to
27 use more than 56 accrued hours of paid sick leave per year.
28 Fifty-six unused accrued hours of paid sick leave can be
29 carried over from one calendar year to the following calendar
30 year. An employee shall begin to accrue paid sick leave on
31 the first day of the employee's employment by an employer. An
32 employee may use accrued paid sick leave beginning 60 calendar
33 days after the first day of the employee's employment by an
34 employer. An employer shall pay an employee for accrued paid
35 sick leave at a pay rate equal to the normal hourly wage for

1 that employee. However, an employer who employs 15 or less
2 employees in Iowa may instead provide an employee with unpaid
3 leave or leave paid at a rate less than the normal hourly wage
4 for that employee.

5 The bill defines "employee" as an individual who is employed
6 in Iowa for compensation by an employer. The bill defines
7 "employer" as any person that employs employees in Iowa.

8 The bill provides permitted uses of accrued paid sick leave,
9 including medical diagnosis, care, or treatment of mental
10 illness or physical illness, injury, or a health condition
11 of an employee or the employee's spouse or child, as well as
12 additional uses for an employee who is a victim of domestic
13 abuse or sexual assault.

14 The bill permits an employer to require advance notice of an
15 employee's intent to use accrued paid sick leave and, for leave
16 of three or more consecutive days, reasonable documentation
17 that such leave is being taken for the purposes permitted by
18 the bill.

19 The bill requires an employer to provide notice to an
20 employee at the time of hiring of the rights provided by the
21 bill. An employer may satisfy the requirement by displaying a
22 poster at the employer's place of business that contains the
23 required information.

24 The bill provides for the reinstatement of unused accrued
25 paid sick leave if an employee whose employment is terminated
26 is rehired by the employer within one calendar year.

27 The bill prohibits an employer from retaliating or in any
28 other manner discriminating against an employee because the
29 employee has requested or used paid sick leave or filed a
30 complaint with the labor commissioner alleging the employer's
31 violation of the bill or has cooperated in filing such a
32 complaint.

33 The bill permits an employee to file a complaint with the
34 commissioner alleging a violation of the bill. Upon receipt
35 of the complaint, the commissioner shall investigate to the

1 extent deemed appropriate. If the commissioner determines
2 that the provisions of the bill have been violated, the
3 commissioner shall bring an action in district court. The
4 district court shall have jurisdiction, for cause shown, to
5 restrain violations of the bill and order appropriate relief,
6 including payment for accrued paid sick leave used by the
7 employee or rehiring or reinstatement of the employee to the
8 former position with back pay.

9 An employer who violates the prohibition against retaliation
10 or other discrimination in the bill is subject to a civil
11 penalty of not more than \$500 per violation. An employer who
12 violates any other provision of the bill is subject to a civil
13 penalty of not more than \$100 per violation. The bill provides
14 procedures for the imposition, contestation, and collection of
15 such penalties.

16 The bill does not prohibit an employer from providing more
17 paid sick leave than required by the bill, allowing donation of
18 unused accrued paid sick leave from one employee to another, or
19 taking disciplinary action against an employee who uses accrued
20 paid sick leave under the bill for purposes other than those
21 provided in the bill.

22 For an employee hired prior to the effective date of the
23 bill, paid sick leave shall begin to accrue on the effective
24 date of the bill. For an employee hired on or after the
25 effective date of the bill, paid sick leave shall begin to
26 accrue on the employee's date of hire.

27 EMPLOYEE SCHEDULING. The bill requires an employer to
28 provide each employee an initial written work schedule at least
29 21 days before the first day of the period covered by the work
30 schedule. The bill requires an employer to notify an employee
31 of any change in the employee's work schedule before the change
32 takes effect and provide the employee with a revised written
33 work schedule reflecting any change within 24 hours of making
34 the change. The bill prohibits an employer from requiring an
35 employee to work hours not included in the employee's initial

1 written work schedule without written consent in advance
2 from the employee. The bill requires an employer to provide
3 an employee with a written work schedule for the employee's
4 first 21 days of employment on or before the first day of the
5 employee's employment.

6 The bill requires an employer to post a written schedule
7 that includes the shifts of each current employee at a worksite
8 at least 21 days before the start of each work week and to
9 update the posted schedule within 24 hours of any change to the
10 schedule. The bill requires an employer to begin an employee's
11 work week on the same day of each week, unless the employer
12 provides written notice of a change in the start day of the
13 work week 21 days in advance.

14 The bill prohibits an employer from requiring an employee to
15 seek or find a replacement employee for any shifts or hours an
16 employee is unable to work.

17 The bill permits an employee to request a change in work
18 schedule, request to limit the employee's availability to
19 work particular hours, or otherwise provide input into the
20 employee's work schedule.

21 The bill permits an employee to submit a written request
22 to an employer for a flexible working arrangement at any
23 time. The bill defines "flexible working arrangement" as a
24 change in an employee's terms and conditions of employment
25 with respect to work schedule, including but not limited to a
26 modified work schedule; changes in start or end times in a work
27 schedule or work shift; a predictable, stable work schedule;
28 part-time employment; job sharing arrangements; working from
29 home; telecommuting; limitations on the employee's availability
30 to work; changes in the location of the employee's worksite;
31 reduction or change in work duties; or part-year employment.

32 The bill requires an employer to consider an employee's
33 request for a flexible working arrangement in good faith and
34 engage in an interactive process with the employee to determine
35 whether the request can be granted in a manner consistent with

1 the employer's business operations and legal or contractual
2 obligations. The bill requires the employer to initiate the
3 interactive process within two days of receiving the request.
4 The bill permits an employer to request additional information
5 from the employee regarding the request.

6 The bill requires the employer to notify the employee
7 in writing of the employer's decision regarding a flexible
8 working arrangement within two days of the employer's last
9 communication with the employee during the interactive process.

10 The bill requires an employer to grant an employee a flexible
11 working arrangement if the employee requests a flexible working
12 arrangement for one of several reasons set out in the bill
13 relating to medical conditions, caregiver responsibilities,
14 training, and part-time employment and provides documentation
15 of the reason to the employer.

16 The bill permits an employer to make certain changes set out
17 in the bill to an employee's shift if the employer pays the
18 affected employee one hour of predictability pay in addition
19 to wages earned for each affected shift. The bill requires
20 an employer to pay the employee the lesser of four hours of
21 predictability pay or predictability pay equal to the number
22 of hours originally scheduled for a shift minus the number of
23 hours, if any, the employee actually worked for the shift, if
24 the employer cancels an employee's shift or reduces the hours
25 in an employee's shift without notifying the employee at least
26 24 hours before the shift would otherwise begin.

27 The bill specifies that predictability pay shall be
28 calculated on an hourly basis, shall be equal to an employee's
29 regular wage rate, shall be in addition to any wages earned
30 for work performed by the employee during a shift, and shall
31 be paid in the same pay period in which it is accrued by the
32 employee. Predictability pay is not required for a schedule
33 change resulting from an employee's request or a mutually
34 agreed upon shift trade among employees. The bill defines
35 predictability pay as part of an employee's wages for purposes

1 of Code chapter 91A, the Iowa wage payment collection law.

2 The requirements of the bill relating to advance notice
3 of work schedules, flexible working arrangements, and
4 predictability pay do not apply to an employer when that
5 employer's operations are suspended for one of certain reasons
6 set out in the bill.

7 The bill permits an employee to decline to work any hours
8 that begin sooner than 11 hours after the end of the employee's
9 previous shift.

10 The bill requires an employer who has additional hours
11 of work available in positions held by current employees to
12 offer such hours to current qualified employees before hiring
13 new employees or contractors, including the use of temporary
14 services or staffing agencies.

15 The bill prohibits an employer from engaging in various
16 discriminatory actions based on the number of hours an employee
17 is scheduled to work. The bill prohibits an employer from
18 paying a different regular rate of pay, condition eligibility
19 for leave or time off differently, or condition eligibility for
20 raises or promotions differently for similar employees based on
21 the number of hours they are scheduled to work.

22 The bill prohibits an employer from discharging or taking
23 any other adverse action against an employee in retaliation
24 for asserting any claim or right under the bill, for assisting
25 another employee in doing so, or for informing another employee
26 about their rights under the bill. The bill specifies that an
27 employer taking any adverse action against an employee within
28 one year of the employee's engaging in such activities raises
29 a rebuttable presumption that such action was retaliatory
30 in nature. Such presumption may be rebutted by clear and
31 convincing evidence that such action was taken for other
32 permissible reasons.

33 In addition to any other remedy provided by law, an employee
34 may bring a civil action against an employer for a violation of
35 the bill in any court of competent jurisdiction for an amount

1 equal to three times any damages incurred by the employee. The
2 employee may also recover court costs and attorney fees and
3 receive injunctive and other appropriate relief as the court
4 may order.

5 The bill provides powers and duties for the labor
6 commissioner relating to the administration and enforcement
7 of the bill, including holding hearings, conducting
8 investigations, settling complaints, employing qualified
9 personnel, and adopting rules.

10 The bill provides complaint, investigation, enforcement, and
11 settlement processes for violations of the bill. An employer
12 who violates the bill is subject to a civil penalty of not
13 more than \$500 per pay period for each violation. The bill
14 provides administrative and judicial processes for imposing and
15 recovering such penalties.

16 The bill shall not be construed to discourage or prohibit
17 an employer from the adoption or retention of a policy that
18 meets or exceeds but does not otherwise conflict with the
19 minimum standards and requirements provided in the bill. If
20 any provision of the bill conflicts with a provision of an
21 applicable collective bargaining agreement, the provision of
22 the collective bargaining agreement shall govern.

23 FAMILY LEAVE AND MEDICAL LEAVE INSURANCE. The bill
24 establishes a family leave and medical leave insurance program
25 (program), administered by the director of the department of
26 workforce development, that provides for paid, job-protected
27 leave for certain family leave and medical leave reasons for
28 eligible employees of specified employers.

29 An employee is eligible for family leave and medical leave
30 after working for a covered employer, as defined in the bill,
31 for a minimum of 12 consecutive months and a minimum of 1,250
32 hours during the 12 consecutive-month period immediately
33 preceding the employee's request for leave. Family leave and
34 medical leave are defined in the bill. Family leave includes
35 leave to care for an immediate family member with a serious

1 health condition, to bond with a newborn child or adopted or
2 foster child, or for a qualifying exigency for a family member
3 as permitted under the federal Family and Medical Leave Act of
4 1993, as amended (FMLA). Medical leave includes leave due to
5 the employee's own serious health condition. Serious health
6 condition is defined in the bill.

7 The bill provides that an eligible employee may not receive
8 more than 12 weeks of family leave, 12 weeks of medical leave,
9 or 16 weeks of combined family and medical leave in a defined
10 consecutive 12-month period. The defined consecutive 12-month
11 period begins on the date of the birth of a child or placement
12 of a child for adoption or foster care with an eligible
13 employee, or on the first date that an eligible employee takes
14 either family leave or medical leave. The minimum duration of
15 leave an eligible employee may take is eight consecutive hours.

16 An employee is disqualified for family leave and medical
17 leave benefits for an absence due to the employee purposefully
18 causing injury or sickness to the employee or a family member,
19 for an absence caused by an illness or injury due to the
20 employee engaging in an illegal act, or an absence due to an
21 employer taking disciplinary action against the employee.

22 An employee must provide a minimum of 30 days notice to an
23 employer of the employee's intent to take leave for the birth
24 of a child or placement of a child for adoption or foster care,
25 or of the employee's intent to take family leave or medical
26 leave. If circumstances require an employee's leave to begin
27 in less than 30 days, the employee must give as much notice as
28 is practicable. If an eligible employee requests medical leave
29 or family leave, the employee must make a reasonable effort to
30 schedule their own, or their family member's medical treatment,
31 to not unduly disrupt the employer's operations.

32 The bill requires an eligible employee to file a claim
33 for benefits as required by the director. The employee
34 must consent to the disclosure of potentially private or
35 confidential information to and from the department, and the

1 employee's employer, for administration of the family leave
2 or medical leave. The bill specifies that such information
3 is not a public record pursuant to Code section 22.1. The
4 employee must attest that the employee has provided notice of
5 the employee's intent to take leave to the employee's employer.
6 The employee must also authorize the employee's, or the
7 employee's family member's health care provider, to complete
8 a certification of a serious health condition as required by
9 the director.

10 The bill provides for a seven-day waiting period before
11 benefits are payable. There is no waiting period for benefits
12 for leave for the birth of a child or placement of a child for
13 adoption or foster care.

14 The basis for the calculation of the amount of a family
15 leave or medical leave benefit is an eligible employee's weekly
16 earnings as defined in the bill. The weekly leave benefit
17 amount payable to an employee for any one week is 80 percent
18 of the employee's weekly spendable earnings, but must not
19 exceed an amount equal to 200 percent of the statewide average
20 weekly wage paid to employees as determined by the department
21 of workforce development. The minimum weekly leave benefit
22 amount is equal to the weekly leave benefit amount of a person
23 whose gross weekly earnings are 35 percent of the statewide
24 average weekly wage, or to the spendable weekly earnings of the
25 employee, whichever is less. "Spendable weekly earnings" is
26 defined in the bill as the amount remaining after payroll taxes
27 are deducted from an employee's gross weekly earnings.

28 The department must send the first benefit payment to an
29 eligible employee within 10 days after a properly completed
30 weekly claim for benefits is received by the department. If
31 the employee continues to submit a properly completed weekly
32 claim, subsequent payments are to be made to the employee at
33 least biweekly. If an employer, or the department, contests
34 an employee's eligibility, benefit payments may be made on
35 a conditional basis. The employee is required to pay the

1 benefits back if the department later rules that the employee
2 is ineligible to receive such benefits.

3 The bill provides that the program shall be funded via
4 employee and employer contributions. Beginning on January 1,
5 2023, and ending on December 31, 2024, the department must
6 assess a covered employer a premium rate of four-tenths of one
7 percent of an employee's weekly wages, subject to a maximum
8 limit of wages subject to the assessment, as determined by
9 the director based on the maximum wages subject to taxation
10 for social security. One-third of the premium is to be used
11 to fund family leave insurance benefits and two-thirds of the
12 premium is to be used to fund medical leave benefits. The
13 covered employer may deduct the full amount of the family leave
14 premium from an employee's wage. A covered employer may deduct
15 up to 45 percent of the medical leave premium and 45 percent of
16 the family leave premium from an employee's wage. The employer
17 must pay the remaining 55 percent of both the medical leave and
18 family leave premiums, and may elect to pay all or any portion
19 of an employee's share of such premiums. Beginning January
20 1, 2025, the premium rate shall be calculated by the director
21 based on the family leave and medical leave insurance account
22 balance ratio as of September 30 of the previous calendar year.
23 The premium rate is adjusted based on the balance ratio as
24 detailed in the bill. If the balance ratio falls below five
25 hundredths of one percent, the bill requires the director to
26 assess a solvency surcharge that is added to the total premium
27 rate assessed to a covered employer. The minimum solvency
28 surcharge is one-tenth of one percent and the maximum is
29 six-tenths of one percent.

30 On September 30 of each year, the bill requires the
31 department to average the number of employees reported by an
32 employer over the last four completed calendar quarters to
33 determine if the employer is a covered employer for the next
34 calendar year.

35 The bill requires a covered employer to collect all assessed

1 premiums and surcharges from the employer's employees through
2 payroll deduction and to remit all premiums to the department
3 as required by the director.

4 An employer may apply for, and the director must grant, a
5 waiver of premiums for an employee who is located physically
6 outside of the state and not expected to work in the state for
7 1,250 or more hours in any consecutive 12-month period. If
8 the employee subsequently works 1,250 or more hours within
9 the state, the employer and employee are responsible for all
10 premiums that should have been collected.

11 Self-employed persons may elect to participate in the
12 program for a minimum initial participation period of three
13 years. Any subsequent period of participation must be for
14 a minimum of one year. A self-employed person must pay
15 the employee and employer's portion of the premium assessed
16 by the director. A self-employed person who elects to
17 participate in the program is eligible for family leave and
18 medical leave benefits after working a minimum of 1,250 hours
19 in the consecutive 12-month period immediately following
20 the person's election to participate in the program. The
21 self-employed person may withdraw from the program by providing
22 written notice to the director. The director may cancel the
23 self-employed person's elective coverage for failure to submit
24 the required premiums.

25 An eligible employee who takes family leave or medical leave
26 is entitled to restoration of employment equal to but not
27 greater than that provided by FMLA. The bill provides that if
28 required under FMLA, an employer must maintain any existing
29 health benefits during an employee's leave. If the employer
30 and employee normally share the cost of such, the employee is
31 responsible for paying the employee's share of the costs.

32 A covered employer must submit reports as required by the
33 director and maintain employment records for each employee
34 from which the director may obtain information related to an
35 employee's family leave or medical leave. Such records must

1 be maintained for 10 years from the date on which an employee
2 first takes a family leave or medical leave.

3 The bill provides that family leave or medical leave shall
4 be in addition to leave required under state or federal law
5 for sickness or temporary disability due to pregnancy or
6 childbirth. The bill requires family leave or medical leave
7 taken under this program to be taken concurrently with leave
8 taken under FMLA. A covered employer may allow an employee
9 to choose to use either accrued sick or vacation benefits, or
10 family leave and medical leave benefits. An employee cannot
11 receive family or medical leave benefits at the same time the
12 employee is receiving state or federal unemployment, workers'
13 compensation, or disability benefits. The bill prohibits
14 discrimination on the basis of any state or federally protected
15 category.

16 The bill requires the director to administer the program and
17 to provide outreach to ensure that employers and employees are
18 aware of the program and the benefits available under such.

19 The bill provides that a family leave and medical leave
20 insurance account shall be created in the custody of the
21 treasurer of state. The director shall deposit all premiums
22 collected from employers into such account and the account can
23 only be used for the program as authorized by the director.

24 The bill requires the director to adopt rules to administer
25 the provisions of the bill. The director may take any action
26 under the director's authority to enforce compliance with the
27 bill.

28 The director is required to analyze the funding of the
29 program and the benefits payable from the program's account.
30 The director shall determine if the premium rates and the
31 benefit levels are appropriate to fully fund and maintain the
32 solvency of the program. The director must submit the findings
33 to the general assembly and the governor no later than January
34 11, 2021.

35 **APPLICABILITY PROVISIONS.** The bill applies to collective

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1 bargaining agreements entered into on or after the effective
2 date of the bill. For an employee hired prior to the effective
3 date of the bill, paid sick leave required pursuant to the bill
4 shall begin to accrue on the effective date of the bill. For an
5 employee hired on or after the effective date of the bill, paid
6 sick leave required pursuant to the bill shall begin to accrue
7 on the service employee's date of hire.