

House Study Bill 281 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

- 1 An Act relating to COVID-19 vaccination requirements by
- 2 employers and unemployment insurance and including effective
- 3 date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 94.1 Definitions.

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

4 1. "COVID-19" means the same as defined in section 686D.2.

5 2. "Employee" means an individual who is employed in
6 this state for wages by an employer. "Employee" includes an
7 applicant for employment.

8 3. "Employer" means a person, as defined in chapter 4, who
9 employs an individual in this state for wages.

10 Sec. 2. NEW SECTION. 94.2 COVID-19 vaccination requirements
11 by employers — waiver.

12 An employer that requires an employee to receive a COVID-19
13 vaccine shall waive the requirement if the employee, or, if the
14 employee is a minor, the employee's parent or legal guardian,
15 requests a waiver and submits either of the following to the
16 employer:

17 1. A statement that receiving the vaccine would be injurious
18 to the health and well-being of the employee or an individual
19 residing with the employee.

20 2. A statement that receiving the vaccine would conflict
21 with the tenets and practices of a religion of which the
22 employee is an adherent or member.

23 Sec. 3. NEW SECTION. 96.5A Refusal of COVID-19 vaccination
24 — no disqualification.

25 Notwithstanding any other provision of this chapter to the
26 contrary, an individual who is discharged from employment for
27 refusing to receive a vaccination against
28 COVID-19, as defined in section 686D.2, shall not be
29 disqualified for benefits on account of such discharge.

30 Sec. 4. Section 96.7, Code 2022, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 12. *Discharge for refusal of COVID-19*
33 *vaccination — effect on experience and rating — limitation*
34 *on actions.* If an employee is discharged from employment for
35 refusing to receive a vaccination against

1 COVID-19, as defined in section 686D.2, the contribution rate
2 and unemployment experience of any employer employing the
3 employee, or an employer that previously employed the employee
4 other than the employer that so discharged the employee, shall
5 be unaffected by such discharge. The department shall not
6 impose any penalty on, or take any other action otherwise
7 permitted under this chapter against, any employer employing
8 the employee, or an employer that previously employed the
9 employee other than the employer that so discharged the
10 employee, as a result of such discharge.

11 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
12 importance, takes effect upon enactment.

13 EXPLANATION

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

16 This bill provides that an employer that requires an
17 employee, including an applicant for employment, to receive a
18 COVID-19 vaccine must waive the requirement if the employee,
19 or, if the employee is a minor, the employee's parent or legal
20 guardian, requests a waiver and makes either of two submissions
21 to the employer. The first submission is a statement that
22 receiving the vaccine would be injurious to the health and
23 well-being of the employee or an individual residing with the
24 employee. The second submission is a statement that receiving
25 the vaccine would conflict with the tenets and practices of a
26 religion of which the employee is an adherent or member.

27 The bill provides that an individual who is discharged
28 from employment for refusing to receive a vaccination against
29 COVID-19 shall not be disqualified for unemployment benefits
30 on account of such discharge.

31 The bill provides that if an employee is discharged from
32 employment for refusing to receive a vaccination against
33 COVID-19, the contribution rate and unemployment experience
34 of any employer employing the employee, or an employer that
35 previously employed the employee other than the employer

1 that so discharged the employee, shall be unaffected by such
2 discharge. The bill prohibits the department of workforce
3 development from imposing any penalty on, or taking any other
4 action otherwise permitted under Code chapter 96 against,
5 any employer employing the employee, or an employer that
6 previously employed the employee other than the employer that
7 so discharged the employee, as a result of such discharge.
8 The bill takes effect upon enactment.