

Senate Study Bill 1043 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON CARLIN)

A BILL FOR

1 An Act relating to the military code and duty performed by a
2 member of the United States coast guard.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29A.1, subsection 3, Code 2021, is
2 amended to read as follows:

3 3. "*Federal active duty*" means full-time duty in the active
4 military service of the United States authorized and performed
5 under the provisions of Tit. 10 of the United States Code or
6 full-time duty performed in the United States coast guard under
7 the provisions of Tit. 14 of the United States Code.

8 Sec. 2. Section 29A.28, subsection 1, paragraph a, Code
9 2021, is amended to read as follows:

10 a. All officers and employees of the state, a subdivision
11 thereof, or a municipality, other than employees employed
12 temporarily for six months or less, who are members of the
13 national guard, organized reserves or any component part of the
14 military, naval, ~~or~~ air, or space forces, or nurse corps of
15 this state or nation, or who are or may be otherwise inducted
16 into the military service of this state or of the United
17 States, or who are members of the civil air patrol, or who are
18 regular, reserve, or auxiliary members of the United States
19 coast guard, shall, when ordered by proper authority to state
20 active duty, national guard duty, or federal active duty, or
21 when performing a civil air patrol mission pursuant to section
22 29A.3A, be entitled to a leave of absence from such civil
23 employment for the period of state active duty, national guard
24 duty, federal active duty, or civil air patrol duty without
25 loss of status or efficiency rating, and without loss of pay
26 during the first thirty days of such leave of absence.

27 Sec. 3. Section 29A.43, subsections 1 and 2, Code 2021, are
28 amended to read as follows:

29 1. A person shall not discriminate against any officer or
30 enlisted person of the national guard or organized reserves of
31 the armed forces of the United States, any regular, reserve,
32 or auxiliary member of the United States coast guard, or any
33 member of the civil air patrol because of that membership. An
34 employer, or agent of an employer, shall not discharge a person
35 from employment because of being an officer or enlisted person

1 of the military forces of the state, a regular, reserve, or
2 auxiliary member of the United States coast guard, or member
3 of the civil air patrol, or hinder or prevent the officer or
4 enlisted person, a regular, reserve, or auxiliary member of the
5 United States coast guard, or member of the civil air patrol
6 from performing any military service or civil air patrol duty
7 the person is called upon to perform by proper authority. A
8 member of the national guard or organized reserves of the
9 armed forces of the United States, or a regular, reserve, or
10 auxiliary member of the United States coast guard, ordered
11 to temporary duty or service, as defined in section 29A.1,
12 subsection 3, 8, or 12, or a member of the civil air patrol
13 performing duty pursuant to [section 29A.3A](#), for any purpose
14 is entitled to a leave of absence during the period of the
15 duty or service, from the member's private employment unless
16 the employment is of a temporary nature. Upon completion of
17 the duty or service, the employer shall restore the person
18 to the position held prior to the leave of absence or employ
19 the person in a position of like seniority, status, and pay.
20 However, the person shall give evidence to the employer of
21 satisfactory completion of the duty or service, and that
22 the person is still qualified to perform the duties of the
23 position. The period of absence shall be construed as an
24 absence with leave, and shall in no way affect the employee's
25 rights to vacation, sick leave, bonus, or other employment
26 benefits relating to the employee's particular employment.

27 2. An officer or enlisted person of the national guard or
28 organized reserves of the armed forces of the United States, or
29 any regular, reserve, or auxiliary member of the United States
30 coast guard, who is insured as a dependent under a group policy
31 for accident or health insurance as a full-time student less
32 than twenty-five years of age, whose coverage under the group
33 policy would otherwise terminate while the officer or enlisted
34 person was on a leave of absence during a period of temporary
35 duty or service, as defined for members of the national guard

1 in section 29A.1, subsection 3, 8, or 12, or as a member of
2 the organized reserves called to active duty from a reserve
3 component status, or as a regular, reserve, or auxiliary
4 member of the United States coast guard, shall be considered
5 to have been continuously insured under the group policy for
6 the purpose of returning to the insured dependent status as
7 a full-time student who is less than twenty-five years of
8 age. This subsection does not apply to coverage of an injury
9 suffered or a disease contracted by a member of the national
10 guard or organized reserves of the armed forces of the United
11 States in the line of duty.

12 Sec. 4. Section 96.7, subsection 2, paragraph a,
13 subparagraph (2), subparagraph division (e), Code 2021, is
14 amended by adding the following new subparagraph subdivision:
15 NEW SUBPARAGRAPH SUBDIVISION. (iii) A regular, reserve, or
16 auxiliary member of the United States coast guard performing
17 duty as defined in section 29A.1, subsection 3, 8, or 12, who
18 has completed the duty as evidenced in accordance with section
19 29A.43.

20 EXPLANATION

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

23 This bill generally concerns regular, reserve, and auxiliary
24 members of the United States coast guard.

25 Code section 29A.1, concerning definitions for purposes of
26 the military code, is amended to provide that federal active
27 duty includes full-time duty performed in the United States
28 coast guard.

29 Code section 29A.28, concerning leaves of absence for public
30 employees ordered to certain military duty, is amended to
31 provide that the requirement to provide a leave of absence for
32 such duty also applies to members of the space force and to
33 regular, reserve, or auxiliary members of the United States
34 coast guard when called to military duty.

35 Code section 29A.43, concerning certain prohibitions related

1 to military service and military duty, is amended to provide
2 that the prohibitions also apply to regular, reserve, or
3 auxiliary members of the United States coast guard when called
4 to military duty. Specifically, the Code section prohibits
5 any discrimination against a person because of their military
6 service and prohibits employers from discharging a person from
7 employment, or failing to reinstate a person to employment, for
8 leaves of absence related to military duty. The Code section
9 also prohibits terminating coverage under a group health
10 insurance policy for a leave of absence for military duty.
11 Code section 96.7, concerning employer contributions and
12 reimbursement related to unemployment compensation is amended
13 to provide that the account of an employer shall not be charged
14 with benefits paid to an individual who is laid off if the
15 benefits are paid as the result of the return to work of a
16 permanent employee who is a regular, reserve, or auxiliary
17 member of the United States coast guard performing military
18 duty and who has completed the duty as evidenced in accordance
19 with Code section 29A.43.