

House File 114 - Introduced

HOUSE FILE 114

BY LOHSE and JONES

A BILL FOR

1 An Act relating to the treatment of adoptive parent employees
2 and making penalties applicable.

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

1 Section 1. NEW SECTION. 91A.5B Treatment of adoptive parent
2 employees.

3 1. For purposes of this section, "adoption" means the
4 permanent placement in this state of a child by the department
5 of health and human services, by a licensed agency under
6 chapter 238, by an agency that meets the provisions of the
7 interstate compact in section 232.158, or by a person making an
8 independent placement according to the provisions of chapter
9 600.

10 2. An employer shall treat an employee who chooses to adopt
11 a child up to six years of age in the same manner as an employee
12 who is the biological parent of a newborn child for purposes of
13 employment policies, benefits, and protections for the first
14 year of the adoption.

15 3. Notwithstanding subsection 2, an employee shall not be
16 entitled to disability leave without a qualifying disability
17 under an employer's disability policies.

18 EXPLANATION

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

21 This bill requires an employer under Code chapter 91A to
22 treat an employee who chooses to adopt a child up to six years
23 of age in the same manner as an employee who is the biological
24 parent of a newborn child for purposes of employment policies,
25 benefits, and protections for the first year of the adoption.
26 An employee shall not be entitled to disability leave without a
27 qualifying disability under an employer's disability policies.

28 The bill defines "adoption" as the permanent placement in
29 this state of a child by the department of health and human
30 services, by a licensed agency under Code chapter 238, by an
31 agency that meets the provisions of the interstate compact in
32 Code section 232.158, or by a person making an independent
33 placement according to the provisions of Code chapter 600.

34 Code section 91A.2 defines "employer" as a person, as
35 defined in Code chapter 4, who in this state employs for wages

1 a natural person. The definition specifies that an employer
2 does not include a client, patient, customer, or other person
3 who obtains professional services from a licensed person
4 who provides the services on a fee service basis or as an
5 independent contractor.

6 Code section 91A.2 defines "employee" as a natural person
7 who is employed in this state for wages by an employer.
8 Code section 91A.2 specifies that "employee" also includes a
9 commission salesperson who takes orders or performs services
10 on behalf of a principal and who is paid on the basis of
11 commissions but does not include persons who purchase for their
12 own account for resale. Code section 91A.2 also excludes
13 certain persons engaged in agriculture and certain independent
14 contractors from the definition of "employee".

15 Code chapter 91A is administered and enforced by the
16 labor commissioner. A violation of Code chapter 91A or the
17 administrative rules promulgated under it is subject to a
18 civil penalty of not more than \$500 per pay period for each
19 violation.