

**Senate File 3 - Introduced**

SENATE FILE 3

BY ZAUN

**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 for adoption in this state of a child by  
5 the department of health and human services, by an adoption  
6 service provider as defined in section 600A.2, or by an agency  
7 that meets the provisions of the interstate compact in section  
8 232.158.

9 2. An employer shall treat an employee who adopts a child in  
10 the same manner as an employee who is the biological parent of  
11 a newborn child for purposes of employment policies, benefits,  
12 and protections for the first year of the adoption.

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 requires an employer under Code chapter 91A to  
17 treat an employee who adopts a child in the same manner as an  
18 employee who is the biological parent of a newborn child for  
19 purposes of employment policies, benefits, and protections for  
20 the first year of the adoption.

21 The bill defines "adoption" as the permanent placement  
22 for adoption in this state of a child by the department of  
23 health and human services, by an adoption service provider as  
24 defined in Code section 600A.2, or by an agency that meets the  
25 provisions of the interstate compact in Code section 232.158.

26 Code section 91A.2 defines "employer" as a person, as  
27 defined in Code chapter 4, who in this state employs for wages  
28 a natural person. The definition specifies that an employer  
29 does not include a client, patient, customer, or other person  
30 who obtains professional services from a licensed person  
31 who provides the services on a fee service basis or as an  
32 independent contractor.

33 Code section 91A.2 defines "employee" as a natural person  
34 who is employed in this state for wages by an employer.  
35 Code section 91A.2 specifies that "employee" also includes a

1 commission salesperson who takes orders or performs services  
2 on behalf of a principal and who is paid on the basis of  
3 commissions but does not include persons who purchase for their  
4 own account for resale. Code section 91A.2 also excludes  
5 certain persons engaged in agriculture and certain independent  
6 contractors from the definition of "employee".

7 Code chapter 91A is administered and enforced by the  
8 labor commissioner. A violation of Code chapter 91A or the  
9 administrative rules promulgated under it is subject to a  
10 civil penalty of not more than \$500 per pay period for each  
11 violation.