

House File 26 - Introduced

HOUSE FILE 26
BY LOHSE

A BILL FOR

- 1 An Act relating to the treatment of adoptive parent employees and
- 2 making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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 chapter
6 238, by an agency that meets the provisions of the interstate
7 compact in section 232.158, or by a person making an independent
8 placement according to the provisions of chapter 600.

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

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

17 **EXPLANATION**

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

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

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

33 Code section 91A.2 defines "employer" as a person, as defined
34 in Code chapter 4, who in this state employs for wages a natural
35 person. The definition specifies that an employer does not

1 include a client, patient, customer, or other person who obtains
2 professional services from a licensed person who provides the
3 services on a fee service basis or as an independent contractor.

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

13 Code chapter 91A is administered and enforced by the director
14 of the department of inspections, appeals, and licensing. A
15 violation of Code chapter 91A or the administrative rules
16 promulgated under it is subject to a civil penalty of not more
17 than \$500 per pay period for each violation.