THE NATIONAL CONFERENCE OF STATE LEGISLATURES
1050 17th Street, Suite 2100
Denver, Colorado 80265
(303) 623-7800

CONTACT TAMI YELLICO
LEGISLATIVE INFORMATION SERVICES

PARENTAL AND FAMILY LEAVE LEGISLATION INTRODUCED - 1989 LEGISLATIVE SESSIONS

JUNE 7, 1989 Update

The following is a summary of parental and family leave bills introduced to date in the 1989 legislative sessions, providing information on leave available for the birth or adoption of a child, or to care for a seriously ill child or family member. In most cases, an employee may use any accrued sick leave, annual leave, or disability leave available to them. Continuation of benefits is also usually provided with the employee paying the cost of those benefits. Most bills also specifically provide for reinstatement to the same or a comparable position at the expiration of the leave. Leave is usually available to either parent in most state programs. Some bills also provide for the temporary transfer of pregnant employees to less hazardous jobs for the duration of their pregnancy. For private sector companies, the proposed legislation usually specifies a number of employees required before leave provisions are in effect.

The status indicated is based on available information from the bill tracking service (State Net) as of June 7, 1989.

CA A 77 Moore (916/445-4246). Makes it an unlawful employment practice for any employer who employs twenty-five or more employees working at the same location to refuse to grant a request by any employee with more than one year of continuous service with the employer and who is eligible for other benefits to take unpaid leave of up to a total of 4 months in an 24-month period for family care. 4/18/89: From Assembly Committee on Labor and Employment.

CA S 257 Torres (916/445-0894). Requires all public and private employers with 15 or more employees to permit an employee to take prescribed unpaid leaves of absence for the birth or adoption of a child and for a child's serious health condition; requires the employee who takes an unpaid leave of absence pursuant to its provisions to be guaranteed his or her existing job or similar position upon returning to work; requires the employer to maintain health insurance for the employee who takes an unpaid leave. 2/1/89: To Senate Committee on Industrial Relations. 4/17/89 To Assembly Committee pm Public Employees, Retirement and Social Security. 4/24/89 In Senate. Read Second Time & Amended. Re-referred to Committee on Appropriations. 6/5/89: To Senate Committee on Appropriations suspense file.

CO S 204 Pascoe (303/866-5000). Makes it discriminatory for an employer to terminate an employee for taking family leave; requires employees to give

written notice of leave. 2/1/89: Introduced. 2/10/89 From Senate Committee on Business Affairs and Labor. Postponed indefinitely.

CT H5847 Taborsak (203/240-0490). Establishes unpaid parental and medical leave options for private sector employees. 1/18/89: To Joint Committee on Family and the Workplace.

CT S 315 Larson (203/240-8600). Allows all employees to take a leave of absence for medical reasons, the birth or adoption of a child or for the care of a child or relative who has a serious health condition. 1/18/89: To the Joint Committee on Family and the Workplace. 4/19/89 Amended on Senate Floor. Passed Senate. To House.

FL S 379 Meek (904/487-5116). Requires an employer, including the state and any of its political subdivisions, that employs 6 or more individuals to grant parental leave to an employee upon the birth of a child or upon the adoption of a child under the age of 6 years by such employee or his spouse. Provides for parental leave of up to 18 consecutive weeks if taken on a full-time basis and up to 36 consecutive weeks if taken on a reduced work schedule. Requires an employer to reinstate an employee who has taken parental leave. 4/4/89: To Senate Commitee on Commerce, Judiciary Civil, then to Personnel, Retirement and Collective Bargaining, Appropriations.

FL S 508 Davis (904/488-9910). Prohibits the state from terminating the employment of a career service employee because of the pregnancy of the employee's spouse. Changes certain references to maternity leave for state employees to parental leave. Requires the state to grant career service employees up to 6 monthes of parental leave without pay and allow such employees to use annual leave credits for parental leave. 4/14/89: From Senate Committee on Personnel, Retirement and Collective Bargaining: Reported favorably to Governmental Operations. 5/24/89: Withdrawn from Senate Committee on Appropriations. Placed on Calendar.

FL S 795 Meek (904/487-5116). Relates to general labor regulations; providing that it is an unlawful labor practice for an employer to take certain action or with respect to the pregnancy, childbirth, and related medical condition of the employee or with respect to the adoption of a minor child; providing certain benefits and leaves of absence; providing remedies. 4/7/89: To Senate Committee on Commerce, then to Committee on Judiciary-Civil, then to Committee on Appropriations.

HI S 763 Menor (808/548-7825). Relates to family leave. 2/2/89: To Senate Committee on Labor and Employment.

HI HR 371 Arakaki (808/548-3154). Establishes a task force on implementing a family leave policy for Hawaii. 4/24/89: From House Committee on Labor and Public Employment, passed as amended. 4/26/89: Passed House.

HI S 1329 Tungpalan (808/548-2261). Relates to family leave. 2/3/89: Introduced. To Senate Committee on Labor and employment, then to Committee on Ways and Means.

HI S 1531 Nakasato (808/548-5933). Relates to family leave. 2/3/89: Introduced to Senate Committee on LAbor and Employment.

HI SCR 254 Tungpalan (808/548-2261). Establishes a task force on implementing a family leave policy for Hawaii. 4/18/89: To House Committee on Labor and Public Employment.

HI SR 222 Tungpalan (808/548-2261). Establishes a task force on implementing a family leave policy for Hawaii. 4/14/89: From Senate Committee on Labor and Employment, passed as amended. 4/26/89: Passed Senate.

IA H 121 Peterson (515/281-3371). Relates to parental leaves of absence for employees of the state and provides an effective date. 1/25/89: To House Committee on State Government. 3/13/89 To Senate Committee on State Government.

IA H 192 Sherzan (515/281-3221). Requires parental leave to be available to employees in the state. 2/2/89: Introduced to House Committee on Labor and Industrial Relations.

IN H 1376 Day (317/232-9600). Allows family leave in cases involving the birth, adoption, or serious illness of a child with protection of the employee's employment and benefit rights. 1/16/89: To House Committee on Labor.

IL H 1343 Kulas (217/783-5971). Requires private employer with 50 or more workers to grant up to 8 weeks of unpaid leave to a worker for child birth, child adoption, child illness and related leaves; provides for continuation of health insurance to worker at workers own expense. 4/9/89: To House Committee on Insurance.

KS H 2211 Wagnon (913/296-7500). Enacts the family and medical leave act; provides for unpaid leaves of absence from employment for certain employees for births, adoptions and family illnesses. 2/8/89: To House Committee on Labor and Industry.

LA H657 Landrieu (504/342-7393). Relates to employment, to provide for the enactment of the Family Leave Law, for definitions, for family leave, for notice to employers, for spouses employed by the same employer, for employment and benefits protection, for prohibited acts, for enforcement, and for related matters. 5/1/89: Introduced. To House Committee on Labor and Industrial Relations.

MD S 273 Wynn (301/858-3127). Requires employers to provide unpaid parental leave to employees who are natural or adoptive parents; establishing requirements for the request, the grant and the duration of parental leave; specifying that employees returning from parental leave are entitled to employment in their former or comparable position; requiring employee benefits or seniority under specified circumstances. 3/20/89: From Senate Committee on Finance: Reported unfavorably.

MD H 1510 Pitkin (801/858-3098). Requires employers to allow unpaid family leave to employees who have been employed at least 12 monthes and are natural, adoptive, or foster parents of a child or dependent adult; specifies requirements to request family leave; permits an employer to adopt reasonable policies regarding the timing of such requests; sets policies for re-employment, rights at times of layoff, health care coverage, accrual of

benefits and seniority. 3/16/89: From House Committee on Economic Matters: Reported Unfavorably.

MA H 2580 O'Brien (617/722-2356). Relates to parental leave. 1/31/89: To Joint Committee on Commerce and Labor.

MA H 3333 Gibson (617/722-2356). Relates to parental leave. 1/13/89: To Join Committee on Commerce and Labor.

MA H 3347 Travinski (617/722-2356). Relates to maternity leave law. 2/7/89: Introduced. To Joint Committee on Commerce and Labor.

MA H 3703 Magnani (617/722-2356). Changes maternity leave to parenting leave. 2/7/89: Introduced. To Joint Committee on Commerce and Labor.

MA H 5590 Gibson (617/722-2356). Further regulates maternity leave for mothers adopting children under three years of age. 5/5/89: Introduced. To Joint Committee on Judiciary.

MN H 367 McLaughlin (612/296-7152). Requires employers to grant employees family leave of up to 2 weeks per year for school conferences or visits to or care for a child, spouse, or parent after one year of employment. 4/17/89: From House Committee on Labor-Management Relations with recommendation to pass as amended.

MO H 385 Shear (314/751-4163). Makes it unlawful for an employer to refuse to grant an employee's request for 12 weeks of parental leave of absence for the birth of an infant or the adoption of a child under six. 3/22/89: From House Committee on Labor with recommendation to pass as amended.

MO S 206 Nixon (314/751-3327). Makes it an unlawful employment practice to refuse to allow a female employee to take pregnancy leave. 1/18/89: To Senate Committee on Commerce and Consumer Protection. 3/15/89: Failed to Pass Senate.

MS H 1257 Clarke (601) 359-3770). Requires employers in this state who employ 50 full time employees or more to permit their employees to take family leave and medical leave; defines these terms and prescribes conditions; prohibits certain acts by employers that restrain employees from exercising their rights to such leave; provides for civil remedies for the enforcement of this act. 1/16/89: To House Committee on Appropriations.

NY A 3802 Nadler (518/455-5802). Provides that public and private employers shall grant a leave of absence to any pregnant employee or spouse thereof during the seventh month of pregnancy and ending one year after childbirth; provides for reinstatement to a position without diminution in salary and accrual of seniority during leave; also allows such right to every parent adopting a child one year old or younger. 2/16/89: Introduced. To Assembly Committee on Labor.

NC H 1076 Kennedy (919/733-7760). Allows employees to take parental leave in cases involving birth or adoption rights of a child, and to protect the employee's employment and benefit rights; allows 18 weeks to be taken every 24 months of unpaid leave. 4/7/89: Introduced. To House Committee on Public Employees.

ND S 2310 Mathern (701)224-3506). Provides uncompensated family leave to certain employees, protects employment and benefit rights and allows employees to use certain other leave provided by employers to care for a child, spouse, or parent with a serious health condition. 4/12/89: Signed by Governor.

NV A 32 Williams W. (702/885-5739). Requires certain employers to grant leave with pay to employees to meet with children's teachers, counselors or administrators. 1/17/89: To Assembly Committee on Labor and Management. 2/22/89: To Senate Committee on Commerce and Labor.

NV S 429 Horn (702/885-5742). Revises provisions concerning leave for pregnant employees. 6/2/89 From Assembly Committee on Labor and Management.

NY A 414 Daniels (518/455-4521). Provides for a leave of absence from employment upon adoption of a hard-to-place or handicapped child in certain cases. 1/30/89: Amended and returned to Assembly Committee on Labor. 3/14/89: Referred to Assembly Committee on Ways & Means.

NY A 2136 Hillman (518/455-5172). Provides that any public employee who takes a leave of absence due to the pregnancy shall not lose any retirement credit obtainable during such period upon payment. 1/26/89: To Assembly Committee on Governmental Employees.

NY S 790 Goodhue (518/455-3111). Provides for a leave of absence from employment upon adoption of a hard-to-place or handicapped child in certain cases. 4/18/89: From Senate Committee on Labor.

NY S 844 Stavisky (518/455-3461). Provides that any public emplyee who takes a leave of absence due to the pregnancy shall not lose any retirement credit obtainable during such period. 1/17/89: To Senate Committee on Civil Service and Pensions.

NY S 2077 Lack (518/455-2071). Provides that an employee shall be entitled to a total of 18 work weeks of unpaid family leave during any 24 month period and to temporary medical leave as necessary not to exceed 26 work weeks during any 12 month period; makes numerous related provisions. 2/8/89: Introduced to Senate Committee on Labor.

NY A 4178 Gottfried (518/455-4941). Provides that an employee shall be entiotled to a total of 18 work weeks of unpaid family leave during any 24 month period and to temporary medical leave as necessary not to exceed 26 work weeks during any 12 month period; makes numerous related provisions. 5/24/89: From Assembly Committee on Codes. Referred to Assembly Committee on Ways and Means.

OH H 143 Hagan (614/466-8026). Permits parental leave for employees in connection with the birth or adoption of a child. 1/31/89: To House Committee on Health and Retirement.

OK S 15 Pierce (405/524-0126). Requires the Office of Personnel Management to promulgate rules regarding parental leave for childbirth, adoption or care of a critically ill child; requires promulgation of rules regarding annual, sick and compensatory leave accumulations upon separation, intragency transfer and reinstatement; requires state employees to have

completed a minimum of two years of cumulative full-time equivalent service to be eligible for longevity pay; changes composition of exempt unclassified service. 1/4/89: To Senate Committee on Appropriations.

OK H 1371 Lewis (405/521-3851). Changes certain criteria for longevity pay for state employees; authorizes the Administrator of the Office of Personnel Management to promulgate rules concerning certain types of leave, including annual leave, sick leave, interagency transfer and parental leave. 4/26/89: Passed Senate. To House for concurrence.

OR H 2249 Office of Judiciary (503/378-5962). Revises language relating to employer's authority to grant parental leave. 1/10/89: To House Committee on Labor. 5/11/89: To Senate Committee on Labor.

OR H 2504 Kotulski (503/378-8832). Declares refusal by certain employers to grant leave to care for chronically ill child, spouse or parent to be unlawful employment practices; establishes procedures for notice to employer, use of accrued leave and reinstatement of employees after such leave. 1/31/89: To House Committee on Labor.

OR S 518 Hill L. (503/378-8315). Requires employers to allow pregnant female employees, so requesting, to transfer to less strenuous or hazardous position for the duration of the pregnancy or take a leave of absence with return to former or equivalent job. 4/20/89: To House Committee on Labor.

PA H 96 Burns (717/787-2372). Defines "approved leave of absence" and "maternity leave of absence". 2/6/89: Referred to House Committee on Appropriations.

PA H 1551 Weston (717/787-2372). Provides for maternity leave. 5/24/89: Introduced, To House Committee on Labor Relations.

PA H 1552 Weston (717/787-2372). Provides for parental leave for employees in cases of birth or adoption. 5/24/89: Introduced. To House Committee on Labor Relations.

RI H 5321 Benoit (401/277-2466). Relates to the state retirement system includes parental leave provisions. 1/19/89: To Joint Committee on Retirement.

SC H 3086 Rudnick (803/734-2961). Relates to employment security and regular benefits, by adding section 41-35-15 so as to preclude the denial or abridgement of benefits under title 41 to an individual absent from employment for purposes of maternity leave after exhaustion of paid leave in connection with the absence due to maternity. 1/10/89: To Committee on Labor, Commerce and Industry.

SC H 3656 Hearn (803/734-3013) Allows adoptive parents employed by the state or any of its political subdivisions to use accrued leave for the purposes of arranging for the adopted child's placement or caring for the child after placement. 4/20/89: From House Committee on Ways and Means: Reported with amendments.

SD H 1394 Vanderlinde (605/773-3842). Provides for parental leave for certain employees. 2/22/89: Did not pass House.

TN S 965 Haynes (615/741-6679). Authorizes parental leave for adoptive parents. 2/1/89: Introduced. 2/6/89: To Senate Committee on Commerce, Labor, & Agriculture. 5/2/89: From Senate Committee on Commerce, Labor and Agriculture; reported unfavorably.

TN H 1333 Williams (615/741-4159). Authorizes parental leave for adoptive parents. 4/5/89: From House Committee on Labor and Consumer Affairs: Reported favorably.

TX H 89 Hinojosa (512/463-0578). Pertains to the unpaid parental leave of state employees, including employment protection and benefits. 1/17/89: To House Committee on State Affairs.

TX H 2176 Hudson S. (512-463-0586). Relates to a mandatory maternity leave program for certain private employees. 3/22/89: To House Committee on Labor and Employment Relations.

TX S 1594 Parmer (512/463-0112). Relates to the right of unpaid maternity and parental leave for employees of the State of Texas and provides for enforcement. 4/25/89: To House. 5/15/89: From House Committee on State Affairs: reported favorably.

VT H 136 Almy (802/828-2247). Permits employees temporary employment leave for the birth or adoption of a child, to care for sick family members and when the employee is seriously ill. 1/20/89: To House Committee on Health and Welfare. 4/12/89: To Senate Committee on General Affairs.

VT S 19 Illuzzi (802/828-2241). Sets minimum parental leave employment standards. 1/12/89: To Senate Committee on General Affairs.

WA H 1581 Wang (206/786-7974). Provides for family and medical leave. Provides for family leave upon the birth or adoption of a child or to care for a family member with a serious health condition, and provides for temporary medical leave for an employee with a serious health condition. 1/30/89: To House Committee on Commerce and Labor. 4/26/89: To Senate. 6/1/89: Signed by Governor.

WA H 2073 Wang (206/786-7974). Provides family leave for adoptive parents. Requires certain employers who grant leave to their employees for the purpose of caring for a newborn child to make the same leave available upon the same terms for adoptive parents, foster parents, stepparents, and legal guardians, both men and women. 5/3/89: Introduced. To House COmmittee on Commerce and Labor.

WA S 5598 Kreidler (206/786-7642). Provides limited duty work or leave for pregnant firefighters and law enforcement officers. Provides for alternatives in making limited duty assignments. 1/30/89: To Committee on Governmental Operations.

WA S 5932 Williams (206/753-5000). Provides for family and medical leave; defines terms; provides that employees are entitled to sixteen work weeks of leave during a two year period under specified circumstances; requires reasonable notification by an employee taking leave; establishes hearing procedures for dispute regarding the leave policy; prescribes penalties for unfair practices. 2/16/89: Introduced. To Senate Committee on Economic Development and Labor.

WA S 5966 Rinehart (206/786-7690). Provides the same family leave for adoptive parents as for birth parents; requires certain employers who grant leave to their employees for the purpose of caring for a newborn child to make the same leave available upon the same terms for adoptive parents, foster parents, stepparents, and legal guardians, both men and women. 4/21/89: To Senate for concurrence. Senate refused to concur in House amendments. 4/24/89: Returned to Senate.

WA S 6016 Lee (206/786-7664). Provides family leave for parents who must care for children; authorizes ten work weeks of family leave during any 24 month period, designates family situations for which the leave may be approved, requires the empoloyee to give notice of intent to take leave and authorizes the employer to require confirmation of need by a health care provider, establishes the rights of the employee upon return to employment, and authorizes an employee to file a complaint alleging a failure to comply with the act. 4/18/89: From Senate Committee on Economic Development and Labor.

WV S 251 Pritt (304/340-3200). Relates to parental leave generally; prohibited acts and ciminal penalties. 4/7/89: Passed House. 4/24/89: Signed by Governor.

Source: State Net
A Service of Information for Public Affairs
Sacramento, CA 95814

LEGISLATIVE SERVICE BUREAU
Eligibility Report for Merit Increases*
FY 1990

	Present Grade & Step	Employment Date	Review Date	
Deputy Director				
Bolender	39-4	09/11/67	06/23/89	
LEGAL DIVISION				
Legal Division Chief				
R. Johnson	37-3	07/10/78	06/23/89	
Senior Legal Counsel				
Goedert	36-3	07/14/76	06/23/89	
Wilson	36-3	12/01/83	06/23/89	
Legal Counsel II				
Kaufman	33-4	12/27/78	06/23/89	
M. Johnson	33-1	01/24/87	07/21/89	
Legal Counsel I				
Winegarden	30-4	12/05/86	05/25/90	
Adkisson	30-3	12/22/86	06/23/89	
Workman	30-3	02/01/88	07/21/89	
Nail	30-2	06/29/88	12/22/89	
Voss	30-2	09/30/88	09/29/89	
May	30-2	10/17/88	04/27/90	
RESEARCH DIVISION				
Research Division Chief				
Vacant	36			
Senior Research Analyst				
T. Johnson	35-6	08/01/69	07/11/86	(1)
Research Analyst III				
Vacant	33			
Research Analyst II				
Funaro	30-2	12/17/86	09/01/89	
Pollak	30-2	11/16/87	05/11/90	

IOWA CODE DIVISION

Iowa Code Editor			
Brown	38-5	07/24/78	06/23/89
Assistant Editor I			
Dodge	24-4	01/14/80	06/23/89
Dubec	24-3	10/09/87	03/30/90
Iowa Code Indexer			
Schulze	22-6	06/27/86	06/10/88 (1)
Assistant Indexer			
Cartwright	18-3	06/20/86	06/23/89

ADMINISTRATIVE CODE DIVISION

Administrative Code Editor			
Barry	33-6	10/01/64	06/10/88 (1)
Assistant Editor II			
Waters	27-6	06/07/76	06/10/88 (1)
Vacant	27		
Assistant Editor I			
Rehnblom	24-2	06/20/80	06/23/89
Bates	24-2	06/13/86	06/23/89
Publication Coordinator			
Benoit	21-6	05/12/80	06/12/87 (1)
Vacant	21		
Executive Secretary			
Haag	23-6	11/09/79	06/10/88 (1)
Administrative Code Indexer			
Worden	22-6	04/27/72	06/27/86 (1)
Administrative Assistant			
King	20-6	05/18/84	06/10/88 (1)
Vacant	20		
Assistant Indexer			
Stoner	18-4	11/29/85	05/25/90
Boyd	18-3	01/05/88	06/23/89
Vacant	18		
Code Proofreader/Asst. Indexer			
Fetters	17-6	04/16/84	06/10/88 (1)
Clason	17-1	11/21/88	05/26/89
Code Proofreader			
Snuggs	15-5	03/25/85	05/25/90
Drake	15-3	10/14/88	04/13/90
Vacant			

INFORMATION SERVICES DIVISION

Public Information Director			
Vacant	24		
Public Information Officer			
Fridlington	18-6	10/01/84	07/11/86 (1)
Vacant			
Legislative Research Librarian			
Vacant	24		
Assistant Librarian			
Vacant	22		
Capitol Guide Coordinator			
Macauley	14-8	05/09/69	07/11/86 (1)
Capitol Tour Guide			
Arnett	12-6	10/15/76	06/26/87 (1)
Nichols	12-6	10/15/87	06/26/87 (1)
Farrell	12-4	01/31/86	06/23/89 (1)

SUPPORT SERVICES DIVISION

Confidential Secretary			
Greenwood	26-6	12/16/72	06/10/88 (1)
Finance Officer			
Knudsen	25-7	11/29/66	07/11/86 (1)
Executive Administrator			
Miklus	23-3	06/27/86	06/23/89
Senior Legis. Text Processor			
Wyer	26-6	01/01/67	06/12/87 (1)
Legis. Text Processor III			
Craig	23-5	11/06/78	06/23/89
Fisher	23-6	11/16/74	06/12/87 (1)
Legis. Text Processor II			
Weddell	20-1	11/06/87	04/27/90
Legis. Text Processor I			
Jennings	17-2	11/11/88	05/11/90
M. Johnson	17-1	12/20/88	06/23/89
Vacant	17		
Vacant	17		

Senior Bill Clerk			
Cross	18-2	09/06/88	03/02/90
LSB Proofreader			
Meier	16-3	12/30/87	06/23/89
Colonno	16-2	11/29/88	06/08/90
Young	16-1	01/03/89	07/07/89

* This report is for informational purposes. This only indicates the scheduled timing of a merit increase for permanent employees. Each employee will be evaluated separately.

(1) Last review date on which the employee received a merit increase either due to placement at highest step in grade or due to red-circling of salary under comparable worth implementation.

MERIT INCREASES GRANTED SINCE THE LAST PERSONNEL REPORT

The following employees received merit increases on or near their review dates since the last Personnel Report to the Service Committee, dated June 8, 1988:

Legal and Research Divisions. Diane Bolender, Richard Johnson, Janet Wilson, Mike Goedert, Mark Johnson, Dan Winegarden, Doug Adkisson, Leslie Workman, Deanne Nail, C. J. May, Patty Funaro, and John Pollak.

Iowa Code Division. JoAnn Brown, Loanne Dodge, Peter Dubec, Richard Schulze, and Sarah Cartwright.

Administrative Code Division. Phyllis Barry, Donna Waters, Grace Rehnblom, Kathy Bates, Vivian Haag, Bonnie King, Doris Stoner, Toni Boyd, Pat Fetters, Betty Snuggs, and Rosemary Drake.

Information Services Division. Kathy Farrell.

Support Services Division. Donna Greenwood, Kitty Miklus, Sarah Craig, Susan Weddell, Jody Jennings, Marva Cross, Andrea Meier, Barb Colonno, Diane Young, and Bridget McNerney.

6/10/89
313b

LEGISLATIVE FISCAL BUREAU
Eligibility Report for Merit Increases
FY 1990

	Present Grade & Step	Employment Date	Review Date
Legislative Analyst I			
Wiggins	27-3	11/02/87	04/27/90
Robinson	27-3	11/17/87	05/26/90
Mahmood	27-3	11/30/87	05/26/90
Vacant	27		
Legislative Analyst II			
Durand	30-1	01/20/87	07/07/89
Hawley	30-1	01/22/87	07/07/89
Lenstra	30-1	01/21/87	07/07/89
Ricks	30-1	02/09/87	07/07/89
Stratman	30-1	02/12/87	07/07/89
Wisner	30-1	05/04/87	10/13/89
Ritter	30-3	02/06/84	07/07/89
[illegible]islative Analyst III			
Johnson	33-1	12/11/85	07/07/89
Snyder	33-1	11/19/84	07/07/89
Lerdal	33-1	02/17/89	08/17/89
Senior Legislative Analyst			
Neiderbach	35-2	12/21/81	04/28/90
Principal Legislative Analyst			
Wulf	36-5	02/11/83	06/16/89
Lyons	36-3	01/03/84	06/16/89
Ferguson	36-2	11/27/87	05/26/90
Dickinson	36-3	07/08/88	01/05/90
Deputy Director			
Faller	39-5	07/01/74	07/07/89
Administrative Secretary			
Sevedge	21-6	03/25/80	
Dunne-Jaber	21-1	12/28/88	06/28/89
Executive Secretary			
Livingston	23-6	08/01/73	
Run Designer III			
Knapp	30-6	01/02/76	
[illegible] Designer II			
Vacant	27		

MERIT INCREASES GRANTED SINCE THE LAST PERSONNEL REPORT

The following employees received merit increases on or near their review dates since the last Personnel Report to the Service Committee, date June 8, 1988:

Tim Faller, Jon Neiderbach, Val Wiggins, Alice Wisner, Bob Snyder, Doug Wulf, Jeff Robinson, Dwayne Ferguson, Khalid Mahmood, Terry Johnson, Sherry Stratman, Carter Ricks, Beth Lenstra, John Hawley, Paul Durand, Glen Dickinson, Lynn Sevedge, Dan Ritter, Holly Lyons, Doug Wulf

COMPUTER SUPPORT BUREAU
Eligibility Report for Merit Increases
FY 1990

	Present Grade & Step	Employment Date	Review Date
Computer Operator I			
Robinson	21-5	10/08/84	10/08/89
Microcomputer Support Analyst I			
Damman	27-1	04/03/89	10/03/89
Run Designer I			
Porath	24-3	10/01/85	05/27/90
Mapper Coordinator I			
Evans	32-3	06/24/85	05/27/90
Software Analyst I			
Vacant	34		
Administrative Secretary			
Frederick	21-2	02/05/88	08/04/89

COMPUTER SUPPORT BUREAU
Merit Increases Granted Since the Last Personnel Report

The following employees received merit increases on or near their review dates since the last Personnel Report to the Service Committee, date June 8, 1988:

Cheryl Porath, Kay Evans, and Sherry Frederick

GENERAL ASSEMBLY OF IOWA

LEGAL DIVISION
RICHARD L. JOHNSON
DIVISION CHIEF
DOUGLAS L. ADKISSON
MICHAEL J. GOEDERT
MARK W. JOHNSON
GARY L. KAUFMAN
C.J. MAY, III
DEANNE S. NAIL
SUSAN E. VOSS
JANET L. WILSON
DANIEL PITTS WINEGARDEN
LESLIE E. WORKMAN

RESEARCH DIVISION
PATRICIA A. FUNARO
THANE R. JOHNSON
JOHN C. POLLAK

LEGISLATIVE SERVICE BUREAU
STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
515 281-3566
DONOVAN PEETERS, *DIRECTOR*
DIANE E. BOLENDER, *DEPUTY DIRECTOR*

ADMINISTRATIVE CODE DIVISION
LUCAS BUILDING 515 281-5285
PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

PUBLIC INFORMATION OFFICE
GERALDINE FRIDLINGTON
ACTING DIRECTOR

IOWA CODE DIVISION
LUCAS BUILDING 515 281-5285
JoANN G. BROWN
IOWA CODE EDITOR

June 19, 1989

MEMORANDUM

TO: REPRESENTATIVE JOHN CONNORS, CHAIRMAN
Service Committee of the Legislative Council

FROM: Leslie Workman, Legal Counsel

RE: SUMMARY OF STATE AND FEDERAL LEGISLATION AND REGULATIONS RELATING TO PREGNANCY, MATERNITY, AND FAMILY LEAVE

The issue of parental leave has been the subject of much debate in both the state and federal arenas over approximately the last ten years. On the federal level, however, except for the Pregnancy Discrimination Act, 42 U.S.C. sec. 2000e, which amended Title VII of the Civil Rights Act of 1964 and which prohibits discrimination in employment on the basis of sex, including pregnancy, no parental leave provisions have been enacted. On the state level, at least eleven states have statutes requiring both public and private employers to grant pregnancy and/or parental leave: California, Connecticut, Iowa, Massachusetts, Minnesota, Montana, Oregon, Rhode Island, Tennessee, Wisconsin, and Louisiana. Kentucky has a statute requiring employers to grant leave upon request if an employee adopts a child, but leave is not required to be granted because of pregnancy or childbirth. Five state have regulations pursuant to state anti-discrimination statutes that provide that an employer who does not provide leave, or provides insufficient leave, to disabled employees is in violation of anti-discrimination law if the failure to provide any or adequate leave has a disparate impact on employees of one sex: Colorado, Maine, Missouri, Ohio, and Oklahoma. A 1985 survey of state personnel offices conducted by the Council of State Governments revealed that 32 jurisdictions permit a mother to take leave for the birth or adoption of a child, that many of the laws and regulations permit unspecified "maternity leave" or require that the

mother use any accrued leave (such as sick or annual leave), and that nine jurisdictions permit the father to take leave for the birth or adoption of a child, although the use of accumulated leave was sometimes required. A 1986 survey conducted by the National Association of State Personnel Executives disclosed that 40 states treat maternity leave as sick leave and/or annual leave without pay. Alaska, California, Rhode Island, and Vermont have formal provisions. California and Hawaii provide that mothers can acquire "child care" leave after using up sick leave. In Maine and Rhode Island, maternity leave is determined by union contract. Nineteen states treat maternity as sick leave and/or annual leave without pay; Iowa and Kansas grant additional annual leave for family needs (five days), Kentucky (varies). Nebraska, North Carolina, and Rhode Island grant parental leave contingent upon agency head approval. California provides up to 12 months unpaid parental leave to care for newborn children.

The only states to provide for statutory "family leave" for state employees are Wisconsin and Connecticut, although Minnesota has enacted legislation which permits up to six weeks of unpaid leave for either the birth or adoption of a child.

RECENT IOWA EMPLOYMENT CONTRACTS

Because of the proximity of the information request to the commencement of the new fiscal year, contract summaries for the next fiscal year are not yet available. However, a review of contract summaries for the fiscal year commencing July 1, 1988 and ending June 30, 1989, were available and the data relating to maternity and childbirth leave is included with this summary. A total of 352 contract summaries were reviewed, 98 of which contained policies specifically designed for maternity/pregnancy/pregnancy related disabilities/child rearing needs. In addition, 93 contracts contained some sort of long term leave of absence provisions, presumably without pay, that potentially could be utilized for child care/rearing needs. Although an exact count was not taken, a number of other contracts contained some sort of very short term personal or emergency leave provision (usually 2 to 3 days) that could be used for the illness of a spouse, child, or other family member.

LW
dg/20

IOWA

MATERNITY / LEAVE POLICIES

Organization	Sick only	Sick + Vacation	Sick + Vacation + LOA	Sick + LOA w/o pay	Other
1. Mixed and Clerical	5 (120 days to no max.)	1 (no max.)	6 (sick- 90 days to no max.) (LOA 90 days to no max.)	13 (sick-15 days to 180 days) (LOA- 6mos to no max.)	9 (sick or vac.) (LOA- 2 mos. to no max.)
2. School Dists.	5 (10 days to no max.)	0	0	2 (sick-15 days to 190 hours max.)	15 (not specif for mom-dad gets 3 D/doc's orders/up to 1yr LOA/ super. or dir. decides
3. Police and Firefighters	8 (60 days to no max.)	1 (150 days sick + vac.)	8 (sick- 12 days to no max.) (LOA- 2 mos. to no max.)	8 (sick-40 days to 200 days max.)	4 (doc states start & ends 8 wks after birth to paid for med. conf. + acc'd leave + LOA)
4. Counties	1 (126 days)	0	4 (sick 80 days to no max.) (LOA- no max.)	2 (sick- 90 days to 800 hrs max.) (LOA-no max.)	4 (8 wks. to 6 mos.- some paid LOA)

Key: LOA=Leave of Absence
sick=sick leave policy maximum accumulation
vac.=vacation
no max.=no maximum number of possible days/hours accumulation

79.1 SALARIES -- PAYMENT -- VACATIONS -- SICK LEAVE -- EDUCATIONAL LEAVE.

Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in the Act, and all salaries, including longevity where applicable by express provision in the Code, shall be paid according to the provisions of chapter 91A and shall be in full compensation of all services, including any service on committees, boards, commissions or similar duty for Iowa government, except for members of the general assembly. A state employee on an annual salary shall not be paid for a pay period an amount which exceeds the employee's annual salary transposed into a rate applicable to the pay period by dividing the annual salary by the number of pay periods in the fiscal year. Salaries for state employees other than annual salaries shall be established on an hourly basis.

All employees of the state earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four- tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week of vacation is equal to the number of hours in the employee's normal work week. Vacation allowances accrue according to chapter 91A as provided by the rules of the department of personnel. The vacations shall be granted at the discretion and convenience of the head of the department, agency, or commission, except that an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this paragraph shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency, or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements. If the employment of an employee of the state is terminated the provisions of chapter 91A relating to the termination apply.

If said termination of employment shall be by reason of the death of the employee, such vacation allowance shall be paid to the estate of the deceased employee if such estate shall be opened for probate. If no estate be opened, the allowance shall be paid to the surviving spouse, if any, or to the legal heirs if no spouse survives.

Payments authorized by this section shall be approved by the department subject to rules of the department of personnel and paid from the appropriation or fund of original certification of the claim.

Commencing July 1, 1979, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions, excluding employees covered under a collective bargaining agreement which provides otherwise, shall accrue sick

leave at the rate of one and one-half days for each complete month of full-time employment. The accrual rate for part-time employees shall be prorated to the accrual rate for full-time employees. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:

1. Which require the employee's confinement,

2. Which render the employee unable to perform assigned duties, or

3. When performance of assigned duties would jeopardize the employee's health or recovery.

Separation from state employment shall cancel all unused accrued sick leave. However, if an employee is laid off and the employee is re-employed by any state department, board, agency, or commission within one year of the date of the layoff, accrued sick leave of the employee shall be restored.

State employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated thirty days of sick leave, and who do not use sick leave during a full month of employment may elect to accrue up to one-half day of additional vacation. The accrual of additional vacation time by an employee for not using sick leave during a month is in lieu of the accrual of up to one and one-half days of sick leave for that month. The personnel commission may adopt the necessary rules and procedures for the implementation of this program for all state employees except employees of the state board of regents. The state board of regents may adopt necessary rules for the implementation of this program for its employees.

The head of any department, agency, or commission, subject to rules of the department of personnel, may grant an educational leave to employees for whom the head of the department, agency, or commission is responsible pursuant to section 79.25 and funds appropriated by the general assembly may be used for this purpose. The head of the department, agency, or commission shall notify the legislative council and the director of the department of personnel of all educational leaves granted within fifteen days of the granting of the educational leave. If the head of a department, agency or commission fails to notify the legislative council and the director of the department of personnel of an educational leave, the expenditure of funds appropriated by the general assembly for the educational leave shall not be allowed.

The director of revenue and finance shall charge the entire payroll for a pay period to the fiscal year in which the payroll is paid.

However, a specific annual salary rate or annual salary adjustment commencing with a fiscal year shall commence on July 1 except that if a pay period overlaps two fiscal years, a specific annual salary rate

or annual salary adjustment shall commence with the first day of a pay period as specified by the general assembly.

[C73, } 3780; C97, } 1289; C24, 27, 31, 35, 39, } 1218; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, } 79.1; 81 Acts, ch 20, } 2]

85 Acts, ch 215, }1; 86 Acts, ch 1244, } 13; 86 Acts, ch 1245, } 231, 232; 87 Acts, ch 227, } 16

Referred to in } 19A.9, 33.2, 79.32, 218.17, 602.11102

SF 532.17 079 00001 Unnumbered paragraphs 9 and 10 amended

employee's employment during consecutive sessions of the general assembly. For the purpose of electing to become a member of the state health or medical service group insurance plan, a part-time employee of the general assembly has the status of a "new hire", full-time state employee when the employee is initially eligible or during the first subsequent enrollment change period.

d. A part-time employee of the general assembly who elects membership in a state health or medical group insurance plan shall state each year whether the membership is to extend through the interim period between consecutive sessions of the general assembly. If the membership is to extend through the interim period the part-time employee shall authorize a payroll deduction for the period of session employment in an amount sufficient to cover the total annual premium and administrative costs for the plan selected. The part-time employee shall notify the finance officer within thirty-one days after the conclusion of the general assembly whether the person's decision to extend the membership through the interim period is confirmed. If the decision is rescinded, appropriate adjustments shall be made for amounts withheld in advance to cover premium payments. However, adjustments shall not be made for amounts withheld to cover administrative costs.

e. A member of a state health or medical group insurance plan pursuant to this subsection shall have the same rights upon final termination of employment as a part-time employee as are afforded full-time state employees excluded from collective bargaining as provided in chapter 20.

Sec. 15. Section 7E.6, subsection 1, paragraph a, Code 1989, is amended to read as follows:

1. a. Any position of membership on any board, committee, commission, or council in the executive branch of state government which is compensated by the payment of a per diem to the holder of that position under the statutory law in ~~effect on January 1, 1986,~~ shall continue to be compensated by

at the rate of fifty dollars per diem ~~in the amount so set~~, notwithstanding any other law to the contrary.

Sec. 16. Section 7E.6, subsections 2 and 3, Code 1989, are amended to read as follows:

2. Any position of membership on any board, committee, commission, or council in the state government which has a compensation level limited to expenses only is eligible to receive, in addition to such actual expense reimbursement, an additional expense allowance of ~~forty~~ fifty dollars per day if the holder of any such position applies for such additional expense allowance and the holder of the position has an income level of one hundred fifty percent or less of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

3. Any position of membership on the lottery board which ~~currently receives a salary shall receive during the 1986-1987 fiscal year a salary at one-half of the level received in the 1985-1986 fiscal year and a~~ compensation of ~~forty~~ fifty dollars per day and expenses ~~in the 1987-1988 fiscal year and each fiscal year thereafter. Any position of membership on the racing commission which currently receives a salary shall receive that salary during the 1986-1987 fiscal year, and a compensation of forty dollars per day and expenses in the 1987-1988 fiscal year and each fiscal year thereafter.~~

Sec. 17. Section 79.1, unnumbered paragraphs 9 and 10, Code 1989, are amended to read as follows:

~~The director of revenue and finance shall charge the entire payroll for a pay period to the fiscal year in which the payroll is paid.~~

~~However, a~~ A specific annual salary rate or annual salary adjustment commencing with a fiscal year shall commence on July 1 except that if a pay period overlaps two fiscal years, a specific annual salary rate or annual salary adjustment shall commence with the first day of a pay period as specified by the general assembly.

1987-1989
AGREEMENT

Between
The Judicial Department of Iowa
and
Public Professional and
Maintenance Employees
Local 2003 IBPAT

Collective Bargaining Agreement

Effective: July 1, 1987 to June 30, 1989

pay during a layoff or any period of leave of absence without pay.

Section 10 **Travel and Lodging**

A. Mileage - The Employer agrees to reimburse any employee who is authorized and required to use his/her personal automobile in the performance of his/her work for the State at the rate of twenty one cents (21) or as set by statute, whichever is greater, per mile beginning at the employee's office. The Employer and the employee may mutually agree to alternative arrangements to having the employee report to the office each day.

B. Lodging - Employees shall be reimbursed for actual expenses incurred, not to exceed fourteen dollars and fifty cents ($14.50) per day plus reasonable room expenses, while in the performance of their official duties. The Employer reserves the right to establish reasonable reporting procedures.

C. Out-of-state travel, meals, and lodging will be in accordance with the existing Judicial Department rules.

D. Advance Travel Request - When employees are required by the Employer to travel outside the state and the anticipated expenses exceed two hundred dollars ($200), employees may request an advance travel allowance not to exceed eighty percent (80%) of the anticipated travel expense.

ARTICLE X
LEAVES OF ABSENCE

Section 1 **Eligibility**

Employees shall have the right to request a leave of absence in accordance with the provisions of this Article after the successful completion of their probational period. Maternity leaves of absence shall be exempt from the waiting provisions of this Section.

Section 2 **Request Procedure**

Any request for a leave of absence shall be submitted in writing by the employee to the employee's immediate supervisor at least thirty (30) calendar days in advance whenever possible. The request shall state the reason for and the length of the leave of absence being requested. The immediate supervisor shall furnish a written response as follows:

Requests for leave of absence not exceeding one (1) month shall be granted or denied within five (5) working days. Requests for leave of absence exceeding one (1) month shall be granted or denied within fifteen (15) working days. The Employer will provide the reason(s) for denial in writing.

Section 3 **Leaves of Absence Without Pay**

Except as otherwise provided by this Article, employees may be granted leaves without pay, at the sole discretion of the District Court Administrator for any reasons for a period up to but not exceeding one (1) year.

A. Maternity Leave - Employees shall be granted a maternity leave of absence without pay as follows:

1. The Employee shall, whenever possible, submit written notification to her immediate supervisor at least four (4) weeks prior to her anticipated departure stating

the probable duration of the leave. Such leaves shall be granted for a period of time up to but not to exceed three (3) months. An additional three (3) months of maternity leave without pay shall be granted unless the absence of the employee would cause a substantial hardship on the operating efficiency of the employing unit. Upon request of the employee, accompanied by a doctor's statement, maternity leaves without pay may be extended for increments of thirty (30) days, not to exceed six (6) months. In no case shall the total period of leave exceed twelve (12) months.

2. In no case shall the employee be required to leave prior to childbirth unless she is no longer able to satisfactorily perform the duties of her position.

3. Except as provided under Article IX, Section 6 (Sick Leave) of this Agreement, all periods of leave related to maternity shall be leaves of absence without pay.

B. Military Leave

Whenever an employee enters into the active military service of the United States, the employee shall be granted a military leave as provided under Section 29A.28 of the Iowa Code and the applicable federal statutes.

C. Unpaid Educational Leave

It is the expressed intent of the Employer to promote continued education by employees of the State and in furtherance of this policy, the

State agrees to grant employees unpaid educational leaves of absence in accordance with the following procedure.

The Employer agrees that at any one time up to one (1) bargaining unit employee per district may be granted an unpaid educational leave of absence not to exceed one (1) year in duration. Selection of employees shall be on the basis of seniority and operational efficiency of the agency.

To be eligible for unpaid educational leaves, an employee must have completed at least three (3) years of service. The Employer will not be required to permit more than two (2) employees to be on unpaid educational leave simultaneously from the same work unit.

D. Medical Leave of Absence

Employees with at least one (1) year of seniority who have exhausted their sick leave benefits shall be granted an unpaid leave of absence, not to exceed ninety (90) calendar days provided the illness or injury exceeds ten (10) days and appropriate medical verification is submitted. Upon request of the employee, extensions may be granted in ninety (90) day increments not to exceed a total of one (1) year. Such leaves may not be unreasonably withheld. Extension of such leaves shall not impair an employee's right to long term disability. Prior to an Employee exhausting his/her sick leave the Employer shall advise the Employee of his/her right to a medical leave of absence without pay.

E. The Employer agrees to provide for the

following rights upon his/her return from any of the above approved leaves:

1. The employee shall have the right to be returned to his/her position or one of like nature in the same employing unit.
2. If the employee's position or one of like nature is not available in the same employing unit, the layoff procedure set forth in Article VI of this Agreement shall be utilized; however, in the case of military leave, the employee will be given another position of similar pay and class for which the employee is qualified.

F. Except as otherwise provided in other provisions of this Agreement, all fringe benefits shall continue during any unpaid leave of absence which does not exceed thirty (30) days.

Section 4 **Paid Leaves of Absence**

A. Voting Leave

Any person entitled to vote in a general election is entitled to time off from work with pay on any general election day for a period not to exceed two (2) hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the employee's working hours do not allow a two (2) hour period outside of working hours during polling hours.

B. Jury Duty

An employee on jury duty will be continued on the payroll and be paid his/her straight

time hourly rate for his/her normally scheduled hours of work. Upon return from jury duty, the employee shall present evidence of the amount received for such jury duty and remit that amount to the Employer, less any travel or personal expenses paid for the jury service. Time spent in court and reasonable travel time shall be deducted from an employee's scheduled work hours for the day in question and shall be considered time worked.

The employee summoned as a juror shall notify his/her Employer immediately by memorandum attaching a copy of the summons. The employee shall be responsible for all subsequent notifications when obligated to report for jury duty.

An employee who reports for jury duty and is dismissed, shall promptly report to work for the remainder of the employee's working day, provided there are at least two (2) hours remaining in the scheduled work day.

C. Court Appearance

When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of Iowa or a political sub-division thereof, or in a private litigation, the time spent shall be considered as a leave of absence with pay provided the employee is not a party to the proceedings. The employee shall remit witness fees to the Employer.

D. Paid Educational Leave

The Employer retains the sole discretion to either grant or deny requests for paid educational leaves of absence. Requests for paid educational leave shall be submitted at least one hundred and twenty (120) days in advance of the requested leave. The Employer agrees to either grant or deny such requests at least sixty (60) days prior to the requested leave. Failure to respond within the designated time limits shall not constitute approval of such requests.

ARTICLE XI
MISCELLANEOUS

Section 1 **Work Rules**

The Employer agrees to establish reasonable work rules. The Union reserves the right to grieve the application or reasonableness of any work rule so established. These work rules shall not conflict with any of the provisions of this Agreement. Newly established work rules or amendments to existing work rules shall be reduced to writing and furnished to the Union at least fourteen (14) calendar days prior to the effective date of the rule. For purposes of this Article, work rules are defined as and limited to: "Rules promulgated by the Employer within its discretion which regulate the personal conduct of employees."

Section 2 **Labor-Management Meetings**

The Employer and Union agree to establish monthly labor-management meetings in Judicial District 1 when requested by the appropriate local.

A reasonable number of people (6) from the Union will attend the meeting.

The purpose of the committee shall be to afford both labor and management a forum in which to communicate on items that may be of interest to both parties specifically including but not limited to health and safety practices and deinstitutionalization if anticipated by the Employer. The committees are established as a communication vehicle only and shall not have authority to bind either the Union or management with respect to any of the items discussed; except that recommendations of the committee or recommendations made by the Union representative involving health and safety practices which are not acted upon and which are non-economic in character (no cost to the State) may be submitted to binding arbitration pursuant to Article IV of this Agreement commencing at Step 3. Recommendations on health and safety practices which have not been acted upon and are economic in nature shall be submitted to the State Court Administrator and his/her decision shall be final and binding. Union representatives will be in pay status for all time spent in labor-management meetings which are held during their regularly scheduled hours of employment. The Employer is not responsible for any travel expense or other expenses incurred by employees for the purpose of complying with the provisions of this Article except as provided for below.

Recommendations on use of video display terminals; fire safety; and day care will be discussed in this committee.

Section 3 **Access to Personnel Files**

Employees shall have the right to inspect their personnel files. The employee may respond to any

shall be withdrawn and deducted from the employee's next paycheck.

***Section 11* School Year Employees**

The Employer shall contribute the Employer's share of the single and/or family coverage for all insurance plans during recesses in the academic year and/or summer for Employees who are regularly employed on a school year basis for less than twelve (12) months out of a year.

ARTICLE X
LEAVES OF ABSENCE

***Section 1* Eligibility**

Employees shall have the right to request a leave of absence in accordance with the provisions of this Article after the successful completion of their probational period. Maternity leaves of absence shall be exempt from the waiting provisions of this Section.

***Section 2* Request Procedure**

Any request for a leave of absence shall be submitted in writing by the employee to the employee's immediate supervisor at least thirty (30) calendar days in advance whenever possible. The request shall state the reason for and the length of the leave of absence being requested.

The immediate supervisor shall furnish a written response as follows:

Requests for leave of absence not exceeding one (1) month shall be granted or denied within five

(5) working days. The Employer will provide the reason for denial in writing.

Requests for leave of absence exceeding one (1) month shall be granted or denied within fifteen (15) working days. The Employer will provide the reason for denial in writing.

***Section 3* Leaves of Absence Without Pay**

Except as otherwise provided by this Article, employees may be granted leaves without pay at the sole discretion of the Appointing Authority for any reasons for a period up to but not exceeding one (1) year.

(Community Corrections see Appendix S-6.)

A. Maternity Leave

Employees shall be granted a maternity leave of absence without pay as follows:

1. The employee shall, whenever possible, submit written notification to her immediate supervisor at least four (4) weeks prior to her anticipated departure stating the probable duration of the leave.

   Such leaves shall be granted for a period of time up to but not to exceed three (3) months. An additional three (3) months of maternity leave without pay shall be granted unless the absence of the employee would cause a substantial hardship on the operating efficiency of the employing unit.

   Upon request of the employee, accompanied

by a doctor's statement, maternity leaves without pay may be extended for increments of thirty (30) days, not to exceed six (6) months. In no case shall the total period of leave exceed twelve (12) months.

2. In no case shall the employee be required to leave prior to childbirth unless she is no longer able to satisfactorily perform the duties of her position.
3. Except as provided under Article IX, Section 6 of this Agreement (Sick Leave), all periods of leave related to maternity shall be leaves of absence without pay.

B. Military Leave

Whenever an employee enters into the active military service of the United States, the employee shall be granted a military leave as provided under Section 29A.28 of the Iowa Code and the applicable federal statutes.

C. Unpaid Educational Leave

It is the expressed intent of the Employer to promote continued education by employees of the State and in furtherance of this policy, the State agrees to grant employees unpaid educational leaves of absence in accordance with the following procedure.

The Employer agrees that at any one time up to fifteen (15) employees per bargaining unit may be granted an unpaid educational leave of absence not to exceed one (1) year

in duration. Selection of employees shall be on the basis of seniority and operational efficiency of the agency.

To be eligible for unpaid educational leaves, an employee must have completed at least three (3) years of service. The Employer will not be required to permit more than two (2) employees to be on unpaid educational leave simultaneously from the same work unit. The work unit is defined as the unit utilized for the distribution of overtime pursuant to Article VIII.

(Professional Fiscal and Staff see Appendix Q-6) (Community Corrections see Appendix S-7.)

D. Medical Leave of Absence

Employees with at least one (1) year of seniority who have exhausted their sick leave benefits shall be granted an unpaid leave of absence not to exceed ninety (90) calendar days, provided the illness or injury exceeds ten (10) days and appropriate medical verification is submitted. Upon request of the employee, extensions may be granted for up to 90 day increments not to exceed a total of one (1) year. Such leaves may not be unreasonably withheld. Extension of such leaves shall not impair an employee's right to long term disability.

Prior to an employee exhausting his/her sick

leave the Employer shall advise the Employee of his/her right to a medical leave of absence without pay.

(Department of Corrections see Appendix H-2; Department of Human Services see Appendix J-3.)

E. The Employer agrees to provide for the following rights upon his/her return from any of the above approved leaves:

1. The employee shall have the right to be returned to his/her position or one of like nature in the same organizational unit.

   (Community Corrections see Appendix S-8.)

2. If the employee's position or one of like nature is not available, the layoff procedure set forth in Article VI of this Agreement shall be utilized; however, in the case of military leave, the employee will be given another position of similar pay and class for which the employee is qualified in the same organizational unit.

F. Except as otherwise provided in other provisions of this agreement, all fringe benefits shall continue during any unpaid leave of absence which does not exceed thirty (30) days.

***Section 4* Paid Leaves of Absence**

A. Voting Leave

Any person entitled to vote in a general election is entitled to time off from work with pay

on any general election day for a period not to exceed two (2) hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the employee's working hours do not allow a two (2) hour period outside of working hours during polling hours.

B. Jury Duty

An employee on jury duty will be continued on the payroll and be paid his/her straight time hourly rate for his/her normally scheduled hours of work. Upon return from jury duty, the employee shall present evidence of the amount received for such jury duty and remit that amount to the Employer, less any travel or personal expenses paid for the jury service. Time spent in court and reasonable travel time shall be deducted from an employee's scheduled work hours for the day in question and shall be considered time worked.

The employee summoned as a juror shall notify his/her Employer immediately by memorandum attaching a copy of the summons. The employee shall be responsible for all subsequent notifications when obligated to report for jury duty.

An employee who reports for jury duty and is dismissed, shall promptly report to work

for the remainder of the employee's working day, provided there are at least two (2) hours remaining in the scheduled work day.

C. Court Appearance

When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of Iowa or a political subdivision thereof, or in a private litigation, the time spent shall be considered as a leave of absence with pay provided the employee is not a party to the proceedings. The employee shall remit witness fees to the Employer.

D. Paid Educational Leave

The Employer retains the sole discretion to either grant or deny requests for paid educational leaves of absence. Requests for paid educational leave shall be submitted at least one hundred and twenty (120) days in advance of the requested leave. The Employer agrees to either grant or deny such requests at least sixty (60) days prior to the requested leave. Failure to respond within the designated time limits shall not constitute approval of such requests.

(Hostage Leave-Department of Corrections see Appendix H-3.)

ARTICLE XI
MISCELLANEOUS

Section 1 **Work Rules**

The Employer agrees to establish reasonable work rules. The Union reserves the right to grieve the application or reasonableness of any work rule so established. These work rules shall not conflict with any of the provisions of this Agreement. Newly established work rules or amendments to existing work rules shall be reduced to writing and furnished to the Union at least fourteen (14) calendar days prior to the effective date of the rule. For purposes of this Article, work rules are defined as and limited to: "Rules promulgated by the Employer within its discretion which regulate the personal conduct of employees."

Section 2 **Labor/Management Meetings**

The Employer agrees to establish quarterly and monthly labor/manangement meetings in accordance with Appendix E when requested by the appropriate local. The Employer and Union will attempt to have joint labor/management meetings whenever possible. When there is a joint meeting, there will be a minimum of one Union representative from each bargaining unit, and one representative from each local. When there are not joint meetings, a reasonable number of people (6) from the bargaining unit of the Union will attend the meeting. The purpose of the

CSG Backgrounder

018802

States Information Center
The Council of State Governments
Iron Works Pike
P.O. Box 11910
Lexington, KY 40578
(606) 252-2291

Date: January, 1988

Topic: PARENTAL LEAVE

Infokey: Labor & Laboring Class

BABY BONDING OR BUSINESS EFFICIENCY: MANDATED PARENTAL LEAVE

Much debate has been stirred up over the past several months regarding the issue of government mandated parental leave. Several states, as well as Congress, are grappling with the dilemma of mandating fair leave policies for one or both parents of today's "two career" families, without interfering with businesses' rights to set company leave policies and assure efficiency. Most recent state legislation has mandated a generous time period of which both parents can take unpaid leave and still keep their job, benefits and seniority.

Supporters of parental leave argue that the traditional family has changed with women entering the workforce in large numbers. Accordingly, "eighties" families need more extensive leave policies for the benefit of the child, without compromising job security.[1] Nevertheless, opponents claim these temporary, extended leaves are costly and inefficient when companies have to find and train replacements for eight to twelve weeks. Furthermore, business organizations argue that governmental attempts to mandate leave benefits counter the fundamental right of companies to decide the terms and conditions of employment and set benefit policies. Also, some business advocates claim that the focus of coping with "modern" families should center around improved day care services.[2]

State Government Employee Parental Leave

According to a survey conducted by the National Association of State Personnel Executives in September, 1986, 40 states treat maternity leave as sick leave and/or annual leave without pay (See Table 1). Alaska, California, Rhode Island, and Vermont have formal provisions. In California and Hawaii mothers can acquire "child care" leave after using up sick leave. In Maine and Rhode Island, maternity leave is determined by union contract. Nineteen states treat maternity leave as sick leave and/or annual leave without pay; Iowa and Kansas grant additional annual leave for family needs (five days), Kentucky (varies). Nebraska, North Carolina, and Rhode Island grant parental leave contingent upon agency head approval. California provides up to 12 months unpaid parental leave to care for newborn a child.[3]

This CSG Backgrounder was compiled by Margaret Oberst, Information Specialist, States Information Center, State Services.

CSG Backgrounder -- Parental Leave

Recent State Activity

In response to growing debate and proposed federal legislation, at least five states enacted parental leave statutes in 1987, 28 others considered it.[4] For Example:

Connecticut: Effective July 1, 1987, provides unpaid leave of up to 24 weeks for state employees after the birth or adoption of a child, or serious illness of a spouse, parent or child within any two-year period. Requires that employees be returned to their original jobs or to an equivalent position with the same pay except in medical leave where original duties may not be applicable, the state will try and find suitable work. Employees also are entitled to all accumulated seniority, retirement, fringe benefits and other service credits. The leave of absence provided in this law is in addition to any other paid leave benefits provided to state employees. Established a 15-member task force to study parental and medical leave in the private sector.[5]

Minnesota: Effective August, 1987 companies with 21 or more employees must allow six weeks of unpaid leave to a natural or adoptive parent. The leave must begin not more than six weeks after the birth or adoption. To be eligible, employees must also work at least an average of 20 hours a week and have been on the job for at least a year. Employees will be entitled to return to their former positions or to a similar position based on the responsibilities, number of hours of work and salary. Employees will return to work at the same rate of pay they had been receiving at the time of the leave plus any automatic adjustments that occurred while the employees were on leave. Employees will also retain all accrued benefits and seniority. Employers are not required to pay the costs of insurance while the employee is on leave.[6]

Oregon: Effective January 1988, private sector employers must give parents up to twelve weeks leave after the birth of their child. Both parents cannot take the leave at the same time. The law also requires employees to have been on the job for at least 90 days to receive this benefit.[7]

Rhode Island: Has enacted a parental leave law effecting both private and public employers of more than fifty people. Parents will be allowed to take up to 13 weeks of unpaid leave to care for a newborn, adopted, or seriously ill child. Employees will have to give 30 days notice and prepay health care benefits, which will be held in escrow and returned when the employee returns to work. Part-time employees are not eligible for the program.[8]

Tennessee: Requires employers with at least 100 employees must provide up to four months of maternity leave to female employees who have worked full-time for an employer for at least 12 consecutive months.

Employers have the option of providing either paid or unpaid leave. Provides that employees who give at least 3 months notice of their intent to take maternity leave, the length of the leave, and their intent to return to full-time employment, shall be restored to their previous or an equivalent position with the same status, pay, length of service credit and seniority. Where employees are employed in positions which are so unique that the employer cannot fill the positions temporarily, the employer would not be liable for failure to reinstate the employees. The law does not require employers to pay for the cost of any benefits, plans or programs during the period of maternity leave unless the employer pays for these items for other employees who are on leaves of absence.[9]

Recent Federal Activity

There are two bills in Congress addressing family and medical leave. Senate Bill 249, sponsored by Senator Christopher Dodd, (D-Conn), would guarantee employees up to 18 weeks of unpaid leave to care for a newborn, newly adopted, or seriously ill child. Employees would get up to 26 weeks leave if a serious health condition prevented the parent from working. S.B. 249 is pending the subcommittee on Children, Families, Drugs, and Alcoholism.[10]

H.R. 925, introduced by Representative Patricia Schroeder (D-Col) would require all employers of 50 or more to guarantee up to ten weeks unpaid family leave at the birth, adoption, or serious illness of a child or older parent. Benefits are continued during the leave period. Three years after the bills enactment, the mandate will apply to employers of 35 or more. Moreover, within two years of enactment a study must be conducted on the bills impact on small businesses.[11] H.R. 925 was passed out of the house labor and education committee.

Conclusion

In passing parental leave legislation lawmakers must weigh the financial needs and rights of businesses against the needs of two-career families. While existing parental leave laws may not be a panacea they indicate a willingness by lawmakers to deal with the issue.

Notes

1. "Parental Leave Bill Proposed," Daily Record, Baltimore, Maryland, December 12, 1987.

2. Ibid.

3. State Personnel Office: Roles and Functions, National Association of State Personnel Executives and The Council of State Governments, 1987, p. 21.

Notes Cont.

4. "Minnesota Law Is Requiring Work Leaves for New Parents," New York Times, June 18, 1987.

5. "States Pass New Family/Medical Leave Laws," IPMA News, August 1987, p. 13.

6. Ibid.

7. "Parental Leave Laws Gaining," American Bar Association Journal, October 1, 1987.

8. "New Rhode Island Law Allows Parental Leave," PELRA Newsletter (Public Employee Labor Relations Association), October 1987.

9. "States Pass New Family/Medical Leave Laws," pgs. 13-14.

10. "Parental Leave Laws Gaining." ABA Journal.

11. Jan. 14, 1987 telephone conversation with Sharon Triolo-Moloney of Congresswoman Patricia Schroeder's district office in Colorado.

Price -- $5.00

TABLE 1
SELECTED EMPLOYEE LEAVE POLICES

State or Jurisdiction	Annual Leave Accrual (in days per year) First Year	Fifth Year	Sick Leave Accrual (days per year)	Paid Holidays	Maternity Leave Treated as Sick Leave and/or Annual Leave or Leave Without Pay or Other Provisions	Paternity Leave Treated as Sick Leave and/or Annual Leave or Leave Without Pay or Other Provisions	Child Care on State Property
Alabama	13	16.25	13	13	•	—	
Alaska	15	18	15	10	(a)	—	
Arizona	12	15	12	12	•	—	
Arkansas	12	18	12	11	•	—	
California	10	15	12	13	(a)	(b)	
Colorado	12	15	15	11	•	•	
Connecticut	12	15	15	12	•	•(c)	•(g)
Delaware	15	15	15(i)	13	•	•	
Florida	13	16	13	9	•	—	•(h)
Georgia	15	15	15	12	•	—	
Hawaii	21	21	21	13	(a)	(b)	
Idaho	12	15	12	9	•	—	•
Illinois	10	10	12	12	•	—	•
Indiana	12	15	k(d)	12	•	—	
Iowa	12	15	18	10	•	(b)	
Kansas	12	15	12	11	•	(b)	
Kentucky	12	12	12	12	•	(b)	
Louisiana	12	18	12	12	—	—	
Maine	12	15	12	11	(a)	—	
Maryland	10	10	15	14	•	—	
Massachusetts	10	15	15	13	•	—	•(g)
Michigan	13	15	13	13	—	•	
Minnesota	13(e)	13(e)	13	11	•	•	•(g)
Mississippi	18	21	12	10	—	•	
Missouri	15	15	15	11	•	—	
Montana	15	15	12	11	•	—	
Nebraska	12	15	12	12	•	(b)	
Nevada	15	15	15	9	•	•	
New Hampshire	12	15	15	12	•	—	
New Jersey	12	15	15	13	•	•	
New Mexico	15	15	12	9	—	—	
New York	14	18	13	12	•	•	•
North Carolina	11.75	16.75	12	11	•	(b)	
North Dakota	12	15	12	9	•	—	
Ohio	10	10	7	10	•	•	•(h)
Oklahoma	15	18	15	—	•	•	
Oregon	10	15	12	10	•	•	
Pennsylvania	10.4(f)	15.6(f)	15	10	•	•	
Rhode Island	10	15	15	11	(a)		(b)
South Carolina	15	15	15	11 to 13	•	—	
South Dakota	15	15	14	9	•	•	
Tennessee	12	18	12	11	•	—	
Texas	10.5	13.5	12	14	•	•	
Utah	13	13	13	11	•	—	•(h)
Vermont	12	15	12	13	(a)	•	
Virginia	12	15	15	11	•	•	
Washington	12	15	12	11	•	•	•
West Virginia	15	18	18	14	•	—	
Wisconsin	10	15	13	11.5	•	•	
Wyoming	12	15	12	9	—	—	
Puerto Rico	30	30	18	19	(a)	—	

SOURCE: Information derived from survey of state personnel offices conducted by The Council of State Governments for the National Association of State Personnel Executives (NASPE).

KEY:

(a) Formal provision for maternity leave - Alaska, California, Vermont, Puerto Rico, Rhode Island. After using sick leave, employee can acquire "child care" leave - California, Hawaii. Determined by union contract - Maine, Rhode Island.

(b) After using sick leave, employee can acquire "child care" leave - Hawaii. Annual leave available for family needs - Iowa and Kansas (five days), Kentucky (varies). Contingent upon approval of agency head - Nebraska, North Carolina and Rhode Island. California provides up to 12 months unpaid parental leave to care for newborn child.

(c) Three days of sick leave as paternity leave.

(d) Full-time employees with over five years of service who have used all annual and sick leave, may apply for sick leave at the rate of one week for each year of service.

(e) Managerial personnel receive 19 1/2 days.

(f) As part of a collective bargaining agreement, new state employees (those hired since July 1, 1985) receive only 5.2 annual leave days in their first year of employment and 10.4 in their fifth year.

(g) Limited.

(h) Pilot study - Ohio, Utah Department of Health and Floriday Department of Administration.

(i) Increased to 18 days and 21 days after 10 years and 15 years of service, respectively.

Average State Worker Benefits

Annual leave days	13 1st year 15.6 5th year
Sick leave days	13.4 1st year
Paid holidays	11.3 annually
Maternity leave	Forty states treat maternity leave as leave without pay or sick leave.
Paternity leave	Six states allow paternity leave; 19 states treat paternity leave as leave w/o pay or sick leave.
Child Care	Ten states have some provision for on-site day care.

CSG
Backgrounder

118503

States Information Center
The Council of State Governments
Iron Works Pike
P.O. Box 11910
Lexington, KY 40578
(606) 252-2291

Date: November 1985

Topic: LEAVE BENEFITS

Infokey: Labor and Laboring Classes
Salary and Non-wage Payments

PARENTAL LEAVE BENEFITS FOR STATE GOVERNMENT EMPLOYEES: AN OVERVIEW

The eighties have seen an increase in the number of women entering the workforce. The two income family is no longer an anomaly but a necessity of life. Arrangements for employees to take off work for the birth of a child were unheard of 30 years ago; women who did work usually quit their jobs to bear and raise the children. However, as more women have careers outside the home and men take a more active role in the rearing of their children, parental leave for the birth or adoption of a child is becoming commonplace. Private employers are providing this benefit -- traditionally termed maternity and paternity leave -- and many public employers are following suit.

Congress, too, is addressing the issue of parental leave. Currently, House Resolution 2020 (sponsored by Representative Patricia Schroeder, D-CO) is pending. The bill, as introduced, requires that employees be allowed parental leave in cases involving the birth, adoption, or serious illness of a child, and temporary disability leave in cases involving the inability to work due to nonoccupational medical reasons; with adequate protection of the employees' employment and benefit rights.

The Council of State Governments' States Information Center surveyed state personnel offices in the spring of 1985 to determine parental leave policies for state government employees. Responses were received from all 50 states and the territories of Guam, the Mariana Islands, Puerto Rico, and the Virgin Islands. The survey contained one question: "Does your state have an established policy for maternity and/or paternity leave?" The survey found tnat 32 jurisdictions permit the mother to take leave for the birth or adoption of a child. Many of the laws and regulations permit unspecified "maternity leave" or require that the mother use any accrued leave, such as sick or annual leave. Nine jurisdictions permit the father to take leave for the birth or adoption of a child. Again, some of these laws require the use of accumulated leave for any time off from the workplace. The responses by individual jurisdictions are presented below.

---

*This CSG Backgrounder was compiled by Debbie C. Tillett, Information Services Coordinator, States Information Center, Office of Information Services.

CSG Backgrounder -- Parental Leave Benefits

ALABAMA--Pregnancy is treated as a disability; therefore employees can use sick leave which they accrue at a rate of 13 days per year and may accumulate up to 150 days total. If an employee is disabled due to delivery, the agency head may permit additional leave.

ALASKA--Although paternity leave is not granted, maternity leave for a period of nine weeks is permitted. Legislation may be considered for paternity leave for either parent and upon adoption.

ARIZONA--Maternity leave is granted but paternity leave is not. The mother is allowed to work until she is no longer physically capable. She then may take accrued paid leave or leave without pay and should return to work when certified by a doctor -- usually six to eight weeks.

ARKANSAS--According to the state personnel policies and procedures manual, an employee may take leave without pay for childbirth and may also use accumulated sick leave. Maternity leave for adopting parents is also granted, but it is an unofficial policy. Continuous leave should not exceed six months.

CALIFORNIA--Maternity leave is permitted, but paternity leave is not addressed.

COLORADO -- Pregnancy is treated as any other illness or disability under the Colorado personnel rules. The rules do not specifically grant paternity leave. However, a male employee may be granted annual leave and leave without pay for parental purposes.

CONNECTICUT -- An employee is allowed leave for a period of six months using both sick and unpaid leave. Sick leave is generally used. For example, in 1979, employees were away from work for four to six months. The father is permitted to use three days of accumulated sick leave as paternity leave.

DELAWARE -- Employees are permited to use sick time or leave of absence without pay for pregnancy. The mother may stay off work until a doctor certifies that she is able to resume her duties -- usually six weeks. She may request use of her vacation leave for up to six months. The father cannot specifically use sick leave for the birth of a child unless circumstances are such that they would require a father's presence. He may, however, use vacation time or leave without pay for up to six months.

FLORIDA -- An employee is allowed up to six months of leave for childbirth or adoption. Accumulated annual leave is used primarily for a period of two to three weeks and sick leave is rarely utilized. In addition, state employees -- both female and male -- are granted up to four months leave for adoption.

GEORGIA -- Pregnancy is classified as a temporary disability for which accrued sick leave or annual leave may be used. Also, the agency head may permit leave without pay. Father's leave is not officially addressed.

HAWAII -- The terms "maternity" and "paternity" leave are not used. Such leave, in effect since the early 1970s, is called "child care" leave and does not discriminate between sexes. During childbirth, before and after recovery, an employee may take sick leave and subsequently go on child care leave.

IDAHO--"Maternity leave" is not specifically given; however, sick leave, annual leave, and leave without pay are permitted by the appointing authority.

ILLINOIS--"Maternity leave" or "paternity leave" are not granted. The term used is disability leave in which sick leave or leave without pay is taken.

INDIANA--Paternity leave is not granted. Maternity leave is granted to an employee whereby she may use all accumulated leave -- sick, vacation, and personal leave. After five years of continuous service, each employee receives bonus sick leave hours; these too must be taken. An employee must use all leave prior to going on leave without pay. An employee is generally away from the workplace from six weeks to six months.

IOWA--An employee is allowed 15 working days of sick leave. After this time, she must present a doctor's statement indicating further time is needed and approximate date of return. The employee may use accumulated leave or be on leave without pay until her return; however, she can only be gone for up to six months. Fathers are allowed to accumulate 40 hours per calendar year of "family enforced leave" which is added to their sick leave balance.

KANSAS--Employees can use accumulated sick leave which they earn at a rate of one day per month with no limit. Childbirth is considered an illness or disability and the pregnant woman may use all her sick leave and annual leave or take leave without pay at the discretion of the agency head. Employees, however, cannot use more than 40 hours per calendar year for "family sick leave". "Family" is classified as anyone related to the employee by blood, marriage, adoption, or may be a minor residing in the home (foster child).

KENTUCKY--An employee may use annual leave, other accrued leave, or sick leave as time off for pregnancy. If an employee is off for pregnancy, the appointing authority may require a doctor's statement attesting to the inability of the employee to perform duties. A father may use sick leave when he "is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care." (Personnel Rules 101 KAR 1:140, Section 3 (5) (c).

LOUISIANA--Maternity and paternity leave are not granted.

MAINE--Leave policies are determined under union employee negotiations. Each employee group has different rights.

MARYLAND--Maternity leave is granted but paternity leave is not. An employee may use sick leave for maternity reasons wherever sick leave conditions are applicable.

MASSACHUSETTS--Maternity leave is granted but paternity leave is not. Parental/adoptive leave is permitted for two weeks without pay. The use of sick leave is permitted to cover maternity leave for a period of eight weeks.

MICHIGAN--Maternity and paternity leave are not granted.

MINNESOTA--Maternity leave and paternity leave are granted. Leave commences on the date the employee requests and continues for up to six months. This leave may be extended for an additional six months by mutual agreement between employee and employer. Leave is unpaid except for use of approved sick leave.

MISSISSIPPI--Maternity and paternity leave are not granted.

MISSOURI--Sick leave is permitted for the period in which the employee is incapacitated for the performance of his duties by sickness or injury, or by pregnancy, childbirth, and recovery.

MONTANA--Maternity and paternity leave are not granted. However, the Montana Maternity Leave Act makes it unlawful for an employer to "terminate a woman's employment because of pregnancy, refuse to grant a reasonable leave, deny accumulated disability or leave benefits, require a mandatory leave, retaliate against an employee who files a complaint, and employers must reinstate women to equivalent jobs." (49-2-310-CA).

NEBRASKA--Maternity and paternity leave are granted. Maternity leave is treated in the same way as any other temporary disability in which sick leave use is permissable. Paternity leave has no set time limit, but is contingent on the agency head's approval under the individual circumstances.

NEVADA--Maternity leave, but not paternity leave, is granted to state employees. Section 284.574 sick leave policies states "for the purposes of this section, 'maternity' means the period during which a female employee is physically incapacitated due to pregnancy or childbirth. Maternity must be treated as any other illness or physical incapacity, except that "pregnancy may not jeopardize an employee's job or seniority status except for the limitations on leave without pay."

NEW HAMPSHIRE--Disability due to pregnancy is an appropriate use of sick leave. If an employee is able to return to work, annual, bonus leave, or leave without pay may be used. Paternity leave is not granted.

NEW JERSEY--Maternity leave is permitted, but is treated in the same manner as sick leave. Paternity leave is not mentioned. Child care leave, however, is permitted under the same authority as personal leave.

NEW MEXICO--Neither maternity leave nor paternity leave is granted to state employees.

NEW YORK--Maternity leave is granted; paternity leave is not recognized. Disabilities arising from pregnancy or childbirth are treated in the same way as any other disability in "terms of eligibility for or entitlement to sick leave with and/or without pay extended sick leave and sick leave at half-pay. The period of such disability is deemed to commence approximately four weeks prior to delivery and to continue for six weeks following delivery. An employee may go on leave without pay or may charge her time to vacation, overtime, or personal leave." Employees, regardless of sex, are entitled to leave without pay for child care for up to seven months following the date of delivery. Leave without pay for child care is granted to adoptive parents.

NORTH CAROLINA--State employees are permitted both maternity and paternity leave under the generally accepted sick leave policies of the state. Parental leave is given to parents of both newborns and adopted children under five years of age; leave without pay up to six months is routinely used.

NORTH DAKOTA--Neither maternity nor paternity leave is granted. However, an employee's pregnancy is treated like any other disability under the terms of sick leave policy. "Maternity leave", as a term, is not used.

OHIO--Maternity leave is granted but paternity leave is not. If a normal birth occurs, an employee receives leave for six weeks; however, a two week waiting period is required before benefits begin. In more complicated births, such as caesarean sections, an employee is permitted leave of eight weeks with the same required waiting period.

OKLAHOMA--Maternity leave and paternity leave are not granted. However, leave due to childbirth may be taken as sick leave.

OREGON--Maternity leave is granted but paternity leave is not. A female employee may use sick leave credits for pregnancy and may also take maternity leave without pay for a reasonable length of time. The appointing authority may require a certificate from the attending physician to determine if an employee is able or unable to work.

PENNSYLVANIA--Maternity and paternity leave are administered identically. Initially an employee may take up to six months leave without pay which may be extended for an additional six months. Available annual or sick leave with pay may be used during this time period. An employee has a right of reemployment in the same or an equivalent position.

RHODE ISLAND--Employees are permitted maternity leave which is established by union contract. Paternity leave is not designated.

SOUTH CAROLINA--Maternity leave is granted but paternity leave is not. For any extended period of disability due to illness, injury, or maternity, exceeding the amount of accrued sick leave, the employee may apply for leave without pay, along with any paid leave that has been taken, but the leave shall not exceed 180 days.

SOUTH DAKOTA--Maternity leave is granted but paternity leave is not. Pregnancy is treated as any other disability or illness. The type of leave taken is up to the employee with approval of the appointing authority. The amount of leave depends upon the amount of accrued leave and the appointing authority may require a doctor's statement.

TENNESSEE--Maternity leave is granted, but paternity leave is not. At the birth of a child, the father may use sick leave. Maternity leave is granted using sick, annual, or leave without pay. Thirty working days are usually permitted during the birth of a child; however, no more than 40 working days are allowed. Upon return to work, the employee will be reinstated to a similar position.

TEXAS--Maternity leave is granted but paternity leave is not. A female employee is granted six weeks of leave without pay after the delivery. Further leave without pay may be authorized by administrative or agency heads on an individual basis.

UTAH--Maternity leave is granted but paternity leave is not. Maternity is handled as "any other illness." Sick leave may be taken; six weeks is assumed to be the maximum time allowed off barring complications. Individuals without six weeks accumulated sick leave may take annual leave or leave without pay.

VERMONT--Both maternity and paternity leave are granted.

VIRGINIA--Permits maternity leave through the use of annual, compensatory, or sick leave. Employees accrue five hours of sick leave per pay period for a total of 120 hours per year.

WASHINGTON--Merit System Rules, RCW 41.06,356-18-140: "leave without pay may be authorized to a permanent employee who is the parent of a newborn child or is the adoptive parent of a child if the leave is requested in advance by the employee (the leave must be requested within 60 days of adoption). The duration of the leave shall be no more than six months." Employees may use their accrued vacation leave or any portion thereof, in conjunction with unpaid child care leave. Leave may be denied because of operational necessity; however, an employee has a right of appeal to the director of personnel.

WEST VIRGINIA--Maternity leave is granted but paternity leave is not. Maternity leave is treated like an illness. An incapacity due to pregnancy shall be charged to sick leave under the same conditions applying to any illness.

WISCONSIN--Maternity and paternity leave are granted. Sick leave is permitted for physical reasons or disability. Emergency care of immediate family members is permitted for five days; six months leave without pay is also granted for paternity leave. Female employees are granted six months leave without pay which can be extended to six more months. Employees are to be reinstated to comparable and similar positions upon return to work.

WYOMING--Neither maternity nor paternity leave are granted.

GUAM--Maternity and paternity leave are granted. A female employee is permitted two weeks leave while a male employee is permitted two days. In both instances, time is not charged against an employee's accumulated leave.

NORTHERN MARIANA ISLANDS--Maternity leave of 10 working days is granted to permanent female employees due to the confinement of childbirth. Although it is not defined as such, leave of two working days is granted to permanent male employees due to the confinement of a legal wife for childbirth.

PUERTO RICO--Maternity leave is permitted; however, no indication was given regarding paternity leave. Section 12.4 of Puerto Rico's Personnel Regulations for The Central Administration states that "every pregnant female employee has a right to a rest period of four weeks before and four weeks after giving birth."

VIRGIN ISLANDS--Maternity and paternity leave are not granted.

CONTACTS

Alabama--Tommy Flowers, Personnel Department, Administrative Building, Montgomery, AL 36130.

Alaska--Frank Raye, Director of Personnel, Pouch C, Juneau, AK 99811.

Arizona--Dan Lukas, Rule Analyst, Department of Administration, Division of Personnel, 1831 West Jefferson, Phoenix, AZ 85007.

Arkansas--Nancy Corner, Administrative Assistant, Office of Personnel Management, Department of Finance and Administration, P.O. Box 3278, Little Rock, AR 72203.

California--Charles W. Walter, Executive Office, California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814.

Colorado--Susan Berendt, Personnel Analyst, Department of Personnel, 1313 Sherman Street, Denver, CO 80203.

Connecticut--Sean McDonough, Personnel Analyst, Personnel and Labor Relations, Department of Administrative Services, 165 Capitol Avenue Room 402, Hartford, CT 06106.

Delaware--Connie Stultz, Secretary, Office of Personnel, Townsend Building, Dover, DE 19901.

Florida--Maurice Hill, Bureau of Certification, Division of Personnel, Room 330 Carlton Building, Tallahassee, FL 32301.

Georgia--Margo Hanke, Employment Management Relations Representative, Merit Systems of Personnel Administration, 200 Piedmont Avenue, S.E. 5th Floor, Atlanta, GA 30334.

Hawaii--James H. Takushi, Director, Personnel Services, 830 Punchbowl Street, Honolulu, HI 96817.

Idaho--Maxine Matlock, State Compensation Analyst, Personnel Commission, 700 West State Street, Boise, ID 83720.

Illinois--Don Kinsel, Division of Employee and Labor Relations, Department of Central Management Services, 503 Stratton Building, Springfield, IL 62706.

Indiana--Jenny Morris, Compensation and Leave Specialist, Compensation Section, Department of Personnel, 513 State Office Building, Indianapolis, IN 46204.

Iowa--Carolyn Groth, Personnel Assistant, Office of the State Comptroller, Hoover State Office Building, Des Moines, IA 50319.

Kansas--Barbara Wylie, Training Coordinator, Division of Personnel Services, Department of Administration, Room 1295 State Office Building, Topeka, KS 66612.

Kentucky--Harold Newton, Department of Personnel, Captiol Annex, Frankfort, KY 40601.

Louisiana--Ed Scallon, Assistant Personnel Management Officer, Department of Civil Service, P.O. Box 94111, Baton Rouge, LA 70804-9711.

Maine--Peter Stewart, Employee Services, Department of Personnel, State House, Station #4, Augusta, ME 04333.

Maryland--Leeda Kiprow, Director Administrative Services Division, Department of Personnel, West Preston Street, Baltimore, MD 21201.

Massachusetts--E.H. Rooney, Jr., Deputy Personnel Administrator, One Ashburton Place, Boston, MA 02108.

Michigan--Michael J. Cain, Legislative Liaison, Policy and Public Affairs, Department of Civil Service, Lewis Cass Building, 3rd Floor, Lansing, MI 48909.

Minnesota--Lance Teachworth, Deputy Commissioner, Labor Relations, 444 Lafayette Road, St. Paul, MN 53101.

Mississippi--Donna Edwards, Director, Employee Relations, Mississippi State Personnel Board, 800 Robert E. Lee Building, Jackson, MS 39201.

Missouri--Charles D. Schulte, Missouri State Personnel Division, Chief of General Personnel Administration and Compliance Audits, P.O. Box 388, Jefferson City, MO 65102.

Montana--Barb Carlton, Policy Coordinator, Personnel Division, Mitchell Building, Helena, MT 59601.

Nebraska--Bill Oberg, Compensation Analyst, Nebraska Department of Personnel, P.O. Box 94905, Lincoln, NE 68509.

Nevada--Penny Lewsader, Personnel Tech III, Nevada State Personnel Department, 209 E. Musser, Carson City, Nevada 98701.

New Hampshire--J.J. Cramer, Personnel Technician, Department of Personnel, State House Annex, Concord, NH 03301.

New Jersey--Robert Hartman, Deputy Commissioner, Civil Service Commission, 215 E. State Street, Trenton, NJ 08625.

New Mexico--no respondent given.

New York--Lorraine Serra, Principal Personnel Services Representative, New York State Department of Civil Service, Program Evaluation and Development Division, Building 1, State Campus, Albany, NY 12239.

North Carolina--Joanna Fogle, Office of State Personnel, 116 W. Jones Street, Raleigh, NC 27611.

North Dakota--Brian McClure, Director Central Personnel Division, 14th Floor, Capitol, Bismarck, ND 58505.

Ohio--Sam Mayhur, Coordinator, Records and Benefits Employee Services, Ohio Department of Natural Resources, Fountain Square, Building D-1, Columbus, OH 43224.

Oklahoma--Jim Hazeldine, State Office of Personnel Management, Jim Thorpe Building, Room B-22, Oklahoma City, OK 73105.

Oregon--Nancie J. Helvie, Executive Assistant, Personnel Division, 155 Cottage, NE, Salem, OR 97302.

Pennsylvania--Frances M. Treisbach, Leave Policy Coordinator, Employee Benefits Division, Room 513, Finance Building, Harrisburg, PA 17120.

Rhode Island--Ralph V. Foley, Rhode Island Division of Personnel, 289 Promenade Street, Providence, RI 02905.

South Carolina--Albert D. Ray, Employee Relations Manager, Budget and Control Board, Division of Human Resource Management, 1205 Pendleton Street, P.O. Box 12547, Columbia, SC 29211.

South Dakota--Barb Christianson, State Payroll Coordinator, Personnel Bureau, Public Safety Building, 118 W. Capitol Avenue, Pierre, SD 57501.

Tennessee--Mary Roser, James K. Polk Building, 1st Floor, Nashville, TN 37219.

Utah--Kenneth G. Topham, Jr., Compensation Specialist, 2229 State Office Building, Salt Lake City, UT 84114.

Vermont--Thomas D. Ball, Director of Employee Relations, Department of Personnel, 110 State Street, Montpelier, VT 05602.

Virginia--Susan E. Witter, Director, Policy Development, Department of Personnel and Training, 101 North 14th Street, Richmond, VA 23219.

Washington--No specific contact, Department of Personnel, 600 South Franklin, FE-11, P.O. Box 1789, Olympia, WA 98504.

West Virginia--Lowell D. Basford, Acting Director of Personnel, 1900 Washington Street, E, Room B-456, Charleston WV 25305.

Wisconsin--Jean Whitcomb, Division of Classification and Compensation, 149 East Wilson, Madison, WI 53707.

Wyoming--DAFC, Personnel Division, 2001 Capital Avenue, Cheyenne, WY 82002.

Guam--John S. Salas, P.O. Box 884, Agana, GU 96910

Northern Mariana Islands--Civil Service Commission, Office of Personnel, Saipan, CM 96950.

Puerto Rico--Estrella Rivera Soto, Acting Director, Box 8476, Fernandez Juncos Station, Santruce, PR 00910.

Virgin Islands--Leslie A. Millin, Director of Personnel, P.O. Box 2336, St. Thomas, VI 00801.

Price -- $3.50

ıpus or branch, or at an indi-
:ho[illegible]hich is the subject of
rt. [illegible]e more convenient. An
)n o[illegible]higher education shall
e same available if requested
)mmission or is representative
e authority of section 710 of
ınd 29 U.S.C. 161. It is the re-
ity of the institutions above
in this section to obtain
Commission or its delegate
supplies of the form.

Penalty for making of willfully
tatements on report.

ıking of willfully false state-
Report EEO-6 is a violation
nited States Code, Title 18,
)01, and is punishable by fine
)nment as set forth therein.

Commission's remedy for failure

titution of higher education
refusing to keep records, in
e with §§ 1602.48 or 1602.49
t O of this part, or failing or
to file Report EEO-6 when
to do so, in accordance with
of this part, may be com-
keep records or to file by
United States District Court
lication of the Commission,
torney General in a case in-
)ublic institution.

Exe[illegible]n from reporting re-
ents.

laimed that the preparation
)f the report would create
rdship, the institution of
ucation may apply to the
)n for an exemption from
ements set forth in Subparts
this part by submitting to
ssion or its delegate a spe-
sal for an alternative re-
tem no later than 45 days
date on which the report
d.

ldditional reporting require-

mission reserves the right
reports, other than that
as the Higher Education
rmation Report EEO-6,
employment practices of

private or public institutions of higher education whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of title VII and as otherwise prescribed by law.

Subpart Q—Records and Inquiries as to Race, Color, National Origin, or Sex

§ 1602.55 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, Subparts O, P, and Q of this part, supersede any provisions of State or local law which may conflict with them.

[40 FR 25189, June 12, 1975]

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

Sec.

AUTHORITY: Sec. 713(b), 78 Stat. 265, 42 U.S.C. 2000e-12.

SOURCE: 37 FR 6836, April 5, 1972, unless otherwise noted.

§ 1604.1 General principles.

(a) References to "employer" or "employers" in this Part 1604 state principles that are applicable not only to employers but also to labor organizations and to employment agencies insofar as their action or inaction may adversely affect employment opportunities.

(b) To the extent that the views expressed in prior Commission pronouncements are inconsistent with the views expressed herein, such prior views are hereby overruled.

(c) The Commission will continue to consider particular problems relating to sex discrimination on a case-by-case basis.

§ 1604.2 Sex as a bona fide occupational qualification.

(a) The commission believes that the bona fide occupational qualification exception as to sex should be interpreted narrowly. Label—"Men's jobs" and "Women's jobs"—tend to deny employment opportunities unnecessarily to one sex or the other.

(1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:

(i) The refusal to hire a woman because of her sex based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of nondiscrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(iii) The refusal to hire an individual because of the preferences of coworkers, the employer, clients or customers except as covered specifically in paragraph (a)(2) of this section.

(2) Where it is necessary for the purpose of authenticity or genuineness, the Commission will consider sex to be a bona fide occupational qualification, e.g., an actor or actress.

(b) Effect of sex-oriented State employment legislation.

be raised in a proceeding under title VII.

(c) Where such a defense is raised the Commission will give appropriate consideration to the interpretations of the Administrator, Wage and Hour Division, Department of Labor, but will not be bound thereby.

§ 1604.9 Fringe benefits.

(a) "Fringe benefits," as used herein, includes medical, hospital, accident, life insurance and retirement benefits; profit-sharing and bonus plans; leave; and other terms, conditions, and privileges of employment.

(b) It shall be an unlawful employment practice for an employer to discriminate between men and women with regard to fringe benefits.

(c) Where an employer conditions benefits available to employees and their spouses and families on whether the employee is the "head of the household" or "principal wage earner" in the family unit, the benefits tend to be available only to male employees and their families. Due to the fact that such conditioning discriminatorily affects the rights of women employees, and that "head of household" or "principal wage earner" status bears no relationship to job performance, benefits which are so conditioned will be found a prima facie violation of the prohibitions against sex discrimination contained in the act.

(d) It shall be an unlawful employment practice for an employer to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees which are not made available for male employees. An example of such an unlawful employment practice is a situation in which wives of male employees receive maternity benefits while female employees receive no such benefits.

(e) It shall not be a defense under title VIII to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other.

(f) It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex, or which differentiates in benefits on the basis of sex. A statement of the General Counsel of September 13, 1968, providing for a phasing out of differentials with regard to optional retirement age for certain incumbent employees is hereby withdrawn.

§ 1604.10 Employment policies relating to pregnancy and childbirth.

(a) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy, childbirth or related medical conditions is in prima facie violation of Title VII.

(b) Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy, childbirth or related medical conditions on the same terms and conditions as they are applied to other disabilities. Health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion, are not required to be paid by an employer; nothing herein, however, precludes an employer from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.

(c) Where the termination of an employee who is temporarily disabled is caused by an employment policy under

...is greater with respect to ... the other.

...l be an unlawful employ... practice for an employer to have ...ion or retirement plan which es... ...es different optional or compul... ...etirement ages based on sex, or ... differentiates in benefits on the ...f sex. A statement of the Gener... ...nsel of September 13, 1968, pro... ...for a phasing out of differen... ...with regard to optional retire... ...age for certain incumbent em... ...s is hereby withdrawn.

...0 Employment policies relating to ...gnancy and childbirth.

...written or unwritten employ... ...olicy or practice which excludes ...employment applicants or em... ...s because of pregnancy, child... ...or related medical conditions is ...a facie violation of Title VII. ...isabilities caused or contributed ...pregnancy, childbirth, or related ...l conditions, for all job-related ...es, shall be treated the same as ...ities caused or contributed to by ...medical conditions, under any ... or disability insurance or sick ...lan available in connection with ...ment. Written or unwritten ...ment policies and practices in... ...ters such as the com... ...d duration of leave, the ...extensions, the accrual ...ority and other benefits and ...ges, reinstatement, and payment ...any health or disability insur... ...r sick leave plan, formal or in... ...shall be applied to disability ...pregnancy, childbirth or related ...l conditions on the same terms ...ditions as they are applied to ...disabilities. Health insurance ... for abortion, except where ...of the mother would be endan... ...the fetus were carried to term ...e medical complications have ...rom an abortion, are not re... ...to be paid by an employer; ...herein, however, precludes an ...r from providing abortion ben... ...otherwise affects bargaining ...ents in regard to abortion. ...here the termination of an em... ...who is temporarily disabled is ...by an employment policy under

which insufficient or no leave is available, such a termination violates the Act if it has a disparate impact on employees of one sex and is not justified by business necessity.

(d)(1) Any fringe benefit program, or fund, or insurance program which is in effect on October 31, 1978, which does not treat women affected by pregnancy, childbirth, or related medical conditions the same as other persons not so affected but similar in their ability or inability to work, must be in compliance with the provisions of § 1604.10(b) by April 29, 1979. In order to come into compliance with the provisions of 1604.10(b), there can be no reduction of benefits or compensation which were in effect on October 31, 1978, before October 31, 1979 or the expiration of a collective bargaining agreement in effect on October 31, 1978, whichever is later.

(2) Any fringe benefit program implemented after October 31, 1978, must comply with the provisions of § 1604.10(b) upon implementation.

[44 FR 23805, Apr. 20, 1979]

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of Sec. 703 of Title VII.[1] Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

(f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title

[1] The principles involved here continue to apply to race, color, religion or national origin.

VII, and developing methods to sensitize all concerned.

(g) Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(Title VII, Pub. L. 88-352, 78 Stat. 253 (42 U.S.C. 2000e et seq.))

[45 FR 74677, Nov. 10, 1980]

APPENDIX—QUESTIONS AND ANSWERS ON THE PREGNANCY DISCRIMINATION ACT, PUB. L. 95-555, 92 STAT. 2076 (1978)

INTRODUCTION

On October 31, 1978, President Carter signed into law the *Pregnancy Discrimination Act* (Pub. L. 95-955). The Act is an amendment to Title VII of the Civil Rights Act of 1964 which prohibits, among other things, discrimination in employment on the basis of sex. The *Pregnancy Discrimination Act* makes it clear that "because of sex" or "on the basis of sex", as used in Title VII, includes "because of or on the basis of pregnancy, childbirth or related medical conditions." Therefore, Title VII prohibits discrimination in employment against women affected by pregnancy or related conditions.

The basic principle of the Act is that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work. A woman is therefore protected against such practices as being fired, or refused a job or promotion, merely because she is pregnant or has had an abortion. She usually cannot be forced to go on leave as long as she can still work. If other employees who take disability leave are entitled to get their jobs back when they are able to work again, so are women who have been unable to work because of pregnancy.

In the area of fringe benefits, such as disability benefits, sick leave and health insurance, the same principle applies. A woman unable to work for pregnancy-related reasons is entitled to disability benefits or sick leave on the same basis as employees unable to work for other medical reasons. Also, any health insurance provided must cover expenses for pregnancy-related conditions on the same basis as expenses for other medical conditions. However, health insurance for expenses arising from abortion is not required except where the life of the mother would be endangered if the fetus were carried to term, or where medical complications have arisen from an abortion.

Some questions and answers about the *Pregnancy Discrimination Act* follow. Although the questions and answers often use only the term "employer," the Act—and these questions and answers—apply also to unions and other entities covered by Title VII.

1. Q. What is the effective date of the Pregnancy Discrimination Act?

A. The Act became effective on October 31, 1978, except that with respect to fringe benefit programs in effect on that date, the Act will take effect 180 days thereafter, that is, April 29, 1979.

To the extent that Title VII already required employers to treat persons affected by pregnancy-related conditions the same as persons affected by other medical conditions, the Act does not change employee rights arising prior to October 31, 1978, or April 29, 1979. Most employment practices relating to pregnancy, childbirth and related conditions—whether concerning fringe benefits or other practices—were already controlled by Title VII prior to this Act. For example, Title VII has always prohibited an employer from firing, or refusing to hire or promote, a woman because of pregnancy or related conditions, and from failing to accord a woman on pregnancy-related leave the same seniority retention and accrual accorded those on other disability leaves.

2. Q. If an employer had a sick leave policy in effect on October 31, 1978, by what date must the employer bring its policy into compliance with the Act?

A. With respect to payment of benefits, an employer has until April 29, 1979, to bring into compliance any fringe benefit or insurance program, including a sick leave policy, which was in effect on October 31, 1978. However, any such policy or program created after October 31, 1978, must be in compliance when created.

With respect to all aspects of sick leave policy other than payment of benefits, such as the terms governing retention and accrual of seniority, credit for vacation, and resumption of former job on return from sick leave, equality of treatment was required by Title VII without the Amendment.

3. Q. Must an employer provide benefits for pregnancy-related conditions to an employee whose pregnancy begins prior to April 29, 1979, and continues beyond that date?

A. As of April 29, 1979, the effective date of the Act's requirements, an employer must provide the same benefits for pregnancy-related conditions as it provides for other conditions, regardless of when the pregnancy began. Thus, disability benefits must be

uired except where the life of the mother ould be endangered if the fetus were car- ed to term, or where medical complica- ons have arisen from an abortion.

Some questions and answers about the *regnancy Discrimination Act* follow. Al- ough the questions and answers often use ly the term "employer," the Act—and ese questions and answers—apply also to ions and other entities covered by Title II.

1. Q. What is the effective date of the egnancy Discrimination Act?

A. The Act became effective on October 1978, except that with respect to fringe nefit programs in effect on that date, the t will take effect 180 days thereafter, that April 29, 1979.

To the extent that Title VII already re- ired employers to treat persons affected pregnancy-related conditions the same as rsons affected by other medical condi- ns, the Act does not change employee hts arising prior to October 31, 1978, or ril 29, 1979. Most employment practices ating to pregnancy, childbirth and relat- conditions—whether concerning fringe nefits or other practices—were already ntrolled by Title VII prior to this Act. For mple, Title VII has always prohibited an ployer from firing, or refusing to hire or omote, a woman because of pregnancy or ated conditions, and from failing to ord a woman on pregnancy-related leave same seniority retention and accrual ac- ded those on other disability leaves.

Q. If an employer had a sick leave icy in effect on October 31, 1978, by what e must the employer bring its policy into mpliance with the Act?

With respect to payment of benefits, an plo as until April 29, 1979, to bring o compliance any fringe benefit or insur- e program, including a sick leave policy, ch was in effect on October 31, 1978, wever, any such policy or program cre- d after October 31, 1978, must be in com- nce when created.

ith respect to all aspects of sick leave cy other than payment of benefits, such he terms governing retention and accru- f seniority, credit for vacation, and re- ption of former job on return from sick . equality of treatment was required by VII without the Amendment.

Q. Must an employer provide benefits pregnancy-related conditions to an em- ee whose pregnancy begins prior to 29, 1979, and continues beyond that

As of April 29, 1979, the effective date ne Act's requirements, an employer provide the same benefits for pregnan- lated conditions as it provides for other itions, regardless of when the pregnan- gan. Thus, disability benefits must be

paid for all absences on or after April 29, 1979, resulting from pregnancy-related temporary disabilities to the same extent as they are paid for absences resulting from other temporary disabilities. For example, if an employee gives birth before April 29, 1979, but is still unable to work on or after that date, she is entitled to the same disability benefits available to other employees. Similarly, medical insurance benefits must be paid for pregnancy-related expenses incurred on or after April 29, 1979.

If an employer requires an employee to be employed for a predetermined period prior to being eligible for insurance coverage, the period prior to April 29, 1979, during which a pregnant employee has been employed must be credited toward the eligibility waiting period on the same basis as for any other employee.

As to any programs instituted for the first time after October 31, 1978, coverage for pregnancy-related conditions must be provided in the same manner as for other medical conditions.

4. Q. Would the answer to the preceding question be the same if the employee became pregnant prior to October 31, 1978?

A. Yes.

5. Q. If, for pregnancy-related reasons, an employee is unable to perform the functions of her job, does the employer have to provide her an alternative job?

A. An employer is required to treat an employee temporarily unable to perform the functions of her job because of her pregnancy-related condition in the same manner as it treats other temporarily disabled employees, whether by providing modified tasks, alternative assignments, disability leaves, leaves without pay, etc. For example, a woman's primary job function may be the operation of a machine, and, incidental to that function, she may carry materials to and from the machine. If other employees temporarily unable to lift are relieved of these functions, pregnant employees also unable to lift must be temporarily relieved of the function.

6. Q. What procedures may an employer use to determine whether to place on leave as unable to work a pregnant employee who claims she is able to work or deny leave to a pregnant employee who claims that she is disabled from work?

A. An employer may not single out pregnancy-related conditions for special procedures for determining an employee's ability to work. However, an employer may use any procedure used to determine the ability of all employees to work. For example, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statement. Similarly, if an employer allows its employees to obtain doctor's statements from their personal physicians for absences due to other disabilities or return dates from other disabilities, it must accept doctor's statements from personal physicians for absences and return dates connected with pregnancy-related disabilities.

7. Q. Can an employer have a rule which prohibits an employee from returning to work for a predetermined length of time after childbirth?

A. No.

8. Q. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, may her employer require her to remain on leave until after her baby is born?

A. No. An employee must be permitted to work at all times during pregnancy when she is able to perform her job.

9. Q. Must an employer hold open the job of an employee who is absent on leave because she is temporarily disabled by pregnancy-related conditions?

A. Unless the employee on leave has informed the employer that she does not intend to return to work, her job must be held open for her return on the same basis as jobs are held open for employees on sick or disability leave for other reasons.

10. Q. May an employer's policy concerning the accrual and crediting of seniority during absences for medical conditions be different for employees affected by pregnancy-related conditions than for other employees?

A. No. An employer's seniority policy must be the same for employees absent for pregnancy-related reasons as for those absent for other medical reasons.

11. Q. For purposes of calculating such matters as vacations and pay increases, may an employer credit time spent on leave for pregnancy-related reasons differently than time spent on leave for other reasons?

A. No. An employer's policy with respect to crediting time for the purpose of calculating such matters as vacations and pay increases cannot treat employees on leave for pregnancy-related reasons less favorably than employees on leave for other reasons. For example, if employees on leave for medical reasons are credited with the time spent on leave when computing entitlement to vacation or pay raises, an employee on leave for pregnancy-related disability is entitled to the same kind of time credit.

12. Q. Must an employer hire a woman who is medically unable, because of a pregnancy-related condition, to perform a necessary function of a job?

A. An employer cannot refuse to hire a women because of her pregnancy-related condition so long as she is able to perform the major functions necessary to the job.

Nor can an employer refuse to hire her because of its preferences against pregnant workers or the preferences of co-workers, clients, or customers.

13. Q. May an employer limit disability benefits for pregnancy-related conditions to married employees?

A. No.

14. Q. If an employer has an all female workforce or job classification, must benefits be provided for pregnancy-related conditions?

A. Yes. If benefits are provided for other conditions, they must also be provided for pregnancy-related conditions.

15. Q. For what length of time must an employer who provides income maintenance benefits for temporary disabilities provide such benefits for pregnancy-related disabilities?

A. Benefits should be provided for as long as the employee is unable to work for medical reasons unless some other limitation is set for all other temporary disabilities, in which case pregnancy-related disabilities should be treated the same as other temporary disabilities.

16. Q. Must an employer who provides benefits for long-term or permanent disabilities provide such benefits for pregnancy-related conditions?

A. Yes. Benefits for long-term or permanent disabilities resulting from pregnancy-related conditions must be provided to the same extent that such benefits are provided for other conditions which result in long-term or permanent disability.

17. Q. If an employer provides benefits to employees on leave, such as installment purchase disability insurance, payment of premiums for health, life or other insurance, continued payments into pension, saving or profit sharing plans, must the same benefits be provided for those on leave for pregnancy-related conditions?

A. Yes, the employer must provide the same benefits for those on leave for pregnancy-related conditions as for those on leave for other reasons.

18. Q. Can an employee who is absent due to a pregnancy-related disability be required to exhaust vacation benefits before receiving sick leave pay or disability benefits?

A. No. If employees who are absent because of other disabling causes receive sick leave pay or disability benefits without any requirement that they first exhaust vacation benefits, the employer cannot impose this requirement on an employee absent for a pregnancy-related cause.

18(A). Q. Must an employer grant leave to a female employee for chidcare purposes after she is medically able to return to work following leave necessitated by pregnancy, childbirth or related medical conditions?

A. While leave for childcare purposes is not covered by the Pregnancy Discrimination Act, ordinary Title VII principles would require that leave for childcare purposes be granted on the same basis as leave which is granted to employees for other non-medical reasons. For example, if an employer allows its employees to take leave without pay or accrued annual leave for travel or education which is not job related, the same type of leave must be granted to those who wish to remain on leave for infant care, even though they are medically able to return to work.

19. Q. If state law requires an employer to provide disability insurance for a specified period before and after childbirth, does compliance with the state law fulfill the employer's obligation under the Pregnancy Discrimination Act?

A. Not necessarily. It is an employer's obligation to treat employees temporarily disabled by pregnancy in the same manner as employees affected by other temporary disabilities. Therefore, any restrictions imposed by state law on benefits for pregnancy-related disabilities, but not for other disabilities, do not excuse the employer from treating the individuals in both groups of employees the same. If, for example, a state law requires an employer to pay a maximum of 26 weeks benefits for disabilities other than pregnancy-related ones but only six weeks for pregnancy-related disabilities, the employer must provide benefits for the additional weeks to an employee disabled by pregnancy-related conditions, up to the maximum provided other disabled employees.

20. Q. If a State or local government provides its own employees income maintenance benefits for disabilities, may it provide different benefits for disabilities arising from pregnancy-related conditions than for disabilities arising from other conditions?

A. No. State and local governments, as employers, are subject to the Pregnancy Discrimination Act in the same way as private employers and must bring their employment practices and programs into compliance with the Act, including disability and health insurance programs.

21. Q. Must an employer provide health insurance coverage for the medical expenses of pregnancy-related conditions of the spouses of male employees? Of the dependents of all employees?

A. Where an employer provides no coverage for dependents, the employer is not required to institute such coverage. However, if an employer's insurance program covers the medical expenses of spouses of female employees, then it must equally cover the medical expenses of spouses of male employees, including those arising from pregnancy-related conditions.

But the insurance does not have to cover the pregnancy-related conditions of other

:t. ordinary Title VII principles would
e tha' leave for childcare purposes be
d same basis as leave which is
d ployees for other non-medical
s. For example, if an employer allows
ployees to take leave without pay or
d annual leave for travel or education
is not job related, the same type of
nust be granted to those who wish to
on leave for infant care, even
they are medically able to return to

). If state law requires an employer to
e disability insurance for a specified
before and after childbirth, does
ance with the state law fulfill the em-
s obligation under the Pregnancy
nination Act?
ot necessarily. It is an employer's obli-
to treat employees temporarily dis-
by pregnancy in the same manner as
ees affected by other temporary dis-
s. Therefore, any restrictions im-
by state law on benefits for pregnan-
ted disabilities, but not for other dis-
s, do not excuse the employer from
g the individuals in both groups of
ees the same. If, for example, a state
quires an employer to pay a maximum
weeks benefits for disabilities other
pregnancy-related ones but only six
for pregnancy-related disabilities, the
yer must provide benefits for the ad-
l weeks to an employee disabled by
ncy-related conditions, up to the
um provided other disabled employ-

. If a State or local government pro-
its own employees income mainte-
benefits for disabilities, may it pro-
ffer enefits for disabilities arising
preg -related conditions than for
ities arising from other conditions?
). State and local governments, as em-
s, are subject to the Pregnancy Dis-
ation Act in the same way as private
yers and must bring their employ-
practices and programs into compli-
with the Act, including disability and
insurance programs.
). Must an employer provide health
ce coverage for the medical expenses
gnancy-related conditions of the
of male employees? Of the depend-
all employees?
here an employer provides no cover-
dependents, the employer is not re-
o institute such coverage. However,
mployer's insurance program covers
dical expenses of spouses of female
es, then it must equally cover the
expenses of spouses of male em-
s, including those arising from preg-
related conditions.
he insurance does not have to cover
egnancy-related conditions of other dependents as long as it excludes the pregnancy-related conditions of the dependents of male and female employees equally.

22. Q. Must an employer provide the same level of health insurance coverage for the pregnancy-related medical conditions of the spouses of male employees as it provides for its female employees?

A. No. It is not necessary to provide the same level of coverage for the pregnancy-related medical conditions of spouses of male employees as for female employees. However, where the employer provides coverage for the medical conditions of the spouses of its employees, then the level of coverage for pregnancy-related medical conditions of the spouses of male employees must be the same as the level of coverage for all other medical conditions of the spouses of female employees. For example, if the employer covers employees for 100 percent of reasonable and customary expenses sustained for a medical condition, but only covers dependent spouses for 50 percent of reasonable and customary expenses for their medical conditions, the pregnancy-related expenses of the male employee's spouse must be covered at the 50 percent level.

23. Q. May an employer offer optional dependent coverage which excludes pregnancy-related medical conditions or offers less coverage for pregnancy-related medical conditions where the total premium for the optional coverage is paid by the employee?

A. No. Pregnancy-related medical conditions must be treated the same as other medical conditions under any health or disability insurance or sick leave plan *available in connection with employment*, regardless of who pays the premiums.

24. Q. Where an employer provides its employees a choice among several health insurance plans, must coverage for pregnancy-related conditions be offered in all of the plans?

A. Yes. Each of the plans must cover pregnancy-related conditions. For example, an employee with a single coverage policy cannot be forced to purchase a more expensive family coverage policy in order to receive coverage for her own pregnancy-related condition.

25. Q. On what basis should an employee be reimbursed for medical expenses arising from pregnancy, childbirth or related conditions?

A. Pregnancy-related expenses should be reimbursed in the same manner as are expenses incurred for other medical conditions. Therefore, whether a plan reimburses the employees on a fixed basis, or a percentage of reasonable and customary charge basis, the same basis should be used for reimbursement of expenses incurred for pregnancy-related conditions. Furthermore, if medical costs for pregnancy-related conditions increase, reevaluation of the reimbursement level should be conducted in the same manner as are cost reevaluations of increases for other medical conditions.

Coverage provided by a health insurance program for other conditions must be provided for pregnancy-related conditions. For example, if a plan provides major medical coverage, pregnancy-related conditions must be so covered. Similarily, if a plan covers the cost of a private room for other conditions, the plan must cover the cost of a private room for pregnancy-related conditions. Finally, where a health insurance plan covers office visits to physicians, pre-natal and post-natal visits must be included in such coverage.

26. Q. May an employer limit payment of costs for pregnancy-related medical conditions to a specified dollar amount set forth in an insurance policy, collective bargaining agreement or other statement of benefits to which an employee is entitled?

A. The amounts payable for the costs incurred for pregnancy-related conditions can be limited only to the same extent as are costs for other conditions. Maximum recoverable dollar amounts may be specified for pregnancy-related conditions if such amounts are similarly specified for other conditions, and so long as the specified amounts in all instances cover the same proportion of actual costs. If, in addition to the scheduled amount for other procedures, additional costs are paid for, either directly or indirectly, by the employer, such additional payments must also be paid for pregnancy-related procedures.

27. Q. May an employer impose a different deductible for payment of costs for pregnancy-related medical conditions than for costs of other medical conditions?

A. No. Neither an additional deductible, an increase in the usual deductible, nor a larger deductible can be imposed for coverage for pregnancy-related medical costs, whether as a condition for inclusion of pregnancy-related costs in the policy or for payment of the costs when incurred. Thus, if pregnancy-related costs are the first incurred under the policy, the employee is required to pay only the same deductible as would otherwise be required had other medical costs been the first incurred. Once this deductible has been paid, no additional deductible can be required for other medical procedures. If the usual deductible has already been paid for other medical procedures, no additional deductible can be required when pregnancy-related costs are later incurred.

28. Q. If a health insurance plan excludes the payment of benefits for any conditions existing at the time the insured's coverage becomes effective (pre-existing condition clause), can benefits be denied for medical

costs arising from a pregnancy existing at the time the coverage became effective?

A. Yes. However, such benefits cannot be denied unless the pre-existing condition clause also excludes benefits for other pre-existing conditions in the same way.

29. Q. If an employer's insurance plan provides benefits after the insured's employment has ended (i.e. extended benefits) for costs connected with pregnancy and delivery where conception occurred while the insured was working for the employer, but not for the costs of any other medical condition which began prior to termination of employment, may an employer (a) continue to pay these extended benefits for pregnancy-related medical conditions but not for other medical conditions, or (b) terminate these benefits for pregnancy-related conditions?

A. Where a health insurance plan currently provides extended benefits for other medical conditions on a less favorable basis than for pregnancy-related medical conditions, extended benefits must be provided for other medical conditions on the same basis as for pregnancy-related medical conditions. Therefore, an employer can neither continue to provide less benefits for other medical conditions nor reduce benefits currently paid for pregnancy-related medical conditions.

30. Q. Where an employer's health insurance plan currently requires total disability as a prerequisite for payment of extended benefits for other medical conditions but not for pregnancy-related costs, may the employer now require total disability for payment of benefits for pregnancy-related medical conditions as well?

A. Since extended benefits cannot be reduced in order to come into compliance with the Act, a more stringent prerequisite for payment of extended benefits for pregnancy-related medical conditions, such as a requirement for total disability, cannot be imposed. Thus, in this instance, in order to comply with the Act, the employer must treat other medical conditions as pregnancy-related conditions are treated.

31. Q. Can the added cost of bringing benefit plans into compliance with the Act be apportioned between the employer and employee?

A. The added cost, if any, can be apportioned between the employer and employee in the same proportion that the cost of the fringe benefit plan was apportioned on October 31, 1978, if that apportionment was nondiscriminatory. If the costs were not apportioned on October 31, 1978, they may not be apportioned in order to come into compliance with the Act. However, in no circumstance may male or female employees be required to pay unequal apportionments on the basis of sex or pregnancy.

32. Q. In order to come into compliance with the Act, may an employer reduce benefits or compensation?

A. In order to come into compliance with the Act, benefits or compensation which an employer was paying on October 31, 1978 cannot be reduced before October 31, 1979 or before the expiration of a collective bargaining agreement in effect on October 31, 1978, whichever is later.

Where an employer has not been in compliance with the Act by the times specified in the Act, and attempts to reduce benefits, or compensation, the employer may be required to remedy its practices in accord with ordinary Title VII remedial principles.

33. Q. Can an employer self-insure benefits for pregnancy-related conditions if it does not self-insure benefits for other medical conditions?

A. Yes, so long as the benefits are the same. In measuring whether benefits are the same, factors other than the dollar coverage paid should be considered. Such factors include the range of choice of physicians and hospitals, and the processing and promptness of payment of claims.

34. Q. Can an employer discharge, refuse to hire or otherwise discriminate against a woman because she has had an abortion?

A. No. An employer cannot discriminate in its employment practices against a woman who has had an abortion.

35. Q. Is an employer required to provide fringe benefits for abortions if fringe benefits are provided for other medical conditions?

A. All fringe benefits other than health insurance, such as sick leave, which are provided for other medical conditions, must be provided for abortions. Health insurance, however, need be provided for abortions only where the life of the woman would be endangered if the fetus were carried to term or where medical complications arise from an abortion.

36. Q. If complications arise during the course of an abortion, as for instance excessive hemorrhaging, must an employer's health insurance plan cover the additional cost due to the complications of the abortion?

A. Yes. The plan is required to pay those additional costs attributable to the complications of the abortion. However, the employer is not required to pay for the abortion itself, except where the life of the mother would be endangered if the fetus were carried to term.

37. Q. May an employer elect to provide insurance coverage for abortions?

A. Yes. The Act specifically provides that an employer is not precluded from providing benefits for abortions whether directly or through a collective bargaining agreement, but if an employer decides to cover

2. Q. In order to come into compliance
n the ct, may an employer reduce bene-
or ensation?

I er to come into compliance with
Act, benefits or compensation which an
ployer was paying on October 31, 1978
not be reduced before October 31, 1979
before the expiration of a collective bar-
ing agreement in effect on October 31,
3, whichever is later.

here an employer has not been in com-
nce with the Act by the times specified
ne Act, and attempts to reduce benefits,
ompensation, the employer may be re-
ed to remedy its practices in accord with
nary Title VII remedial principles.

. Q. Can an employer self-insure bene-
for pregnancy-related conditions if it
not self-insure benefits for other medi-
onditions?

Yes, so long as the benefits are the
e. In measuring whether benefits are
same, factors other than the dollar cov-
e paid should be considered. Such fac-
include the range of choice of physi-
s and hospitals, and the processing and
nptness of payment of claims.

. Q. Can an employer discharge, refuse
ire or otherwise discriminate against a
an because she has had an abortion?

No. An employer cannot discriminate in
employment practices against a woman
has had an abortion.

. Q. Is an employer required to provide
ge benefits for abortions if fringe bene-
are provided for other medical condi-
s?

All fringe benefits other than health
rance, such as sick leave, which are pro-
d for other medical conditions, must be
ide abortions. Health insurance,
ev ed be provided for abortions
wh the life of the woman would be
ngered if the fetus were carried to term
here medical complications arise from
bortion.

. Q. If complications arise during the
se of an abortion, as for instance exces-
hemorrhaging, must an employer's
th insurance plan cover the additional
due to the complications of the abor-

Yes. The plan is required to pay those
ional costs attributable to the compli-
ns of the abortion. However, the em-
r is not required to pay for the abor-
itself, except where the life of the
er would be endangered if the fetus
carried to term.

Q. May an employer elect to provide
ance coverage for abortions?

Yes. The Act specifically provides that
mployer is not precluded from provid-
benefits for abortions whether directly
hrough a collective bargaining agree-
, but if an employer decides to cover

the costs of abortion, the employer must do so in the same manner and to the same degree as it covers other medical conditions.

[44 FR 23805, Apr. 20, 1979]

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Sec.

AUTHORITY: Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq.

SOURCE: 45 FR 72612, Oct. 31, 1980, unless otherwise noted.

§ 1605.1 "Religious" nature of a practice or belief.

In most cases whether or not a practice or belief is religious is not at issue. However, in those cases in which the issue does exist, the Commission will define religious practices to include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. This standard was developed in *United States* v. *Seeger*, 380 U.S. 163 (1965) and *Welsh* v. *United States*, 398 U.S. 333 (1970). The Commission has consistently applied this standard in its decisions.[1] The fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee or prospective employee. The phrase "religious practice" as used in these Guidelines includes both religious observances and practices, as stated in Section 701(j), 42 U.S.C. 2000e(j).

[1] See CD 76-104 (1976), CCH ¶6500; CD 71-2620 (1971), CCH ¶6283; CD 71-779 (1970), CCH ¶6180.

§ 1605.2 Reasonable accommodation without undue hardship as required by Section 701(j) of Title VII of the Civil Rights Act of 1964.

(a) *Purpose of this section.* This section clarifies the obligation imposed by Title VII of the Civil Rights Act of 1964, as amended, (sections 701(j), 703 and 717) to accommodate the religious practices of employees and prospective employees. This section does not address other obligations under Title VII not to discriminate on grounds of religion, nor other provisions of Title VII. This section is not intended to limit any additional obligations to accommodate religious practices which may exist pursuant to constitutional, or other statutory provisions; neither is it intended to provide guidance for statutes which require accommodation on bases other than religion such as section 503 of the Rehabilitation Act of 1973. The legal principles which have been developed with respect to discrimination prohibited by Title VII on the bases of race, color, sex, and national origin also apply to religious discrimination in all circumstances other than where an accommodation is required.

(b) *Duty to accommodate.* (1) Section 701(j) makes it an unlawful employment practice under section 703(a)(1) for an employer to fail to reasonably accommodate the religious practices of an employee or prospective employee, unless the employer demonstrates that accommodation would result in undue hardship on the conduct of its business.[2]

(2) Section 701(j) in conjunction with section 703(c), imposes an obligation on a labor organization to reasonably accommodate the religious practices of an employee or prospective employee, unless the labor organization demonstrates that accommodation would result in undue hardship.

(3) Section 1605.2 is primarily directed to obligations of employers or labor organizations, which are the entities covered by Title VII that will most often be required to make an accommodation. However, the principles of

[2] See *Trans World Airlines, Inc.* v. *Hardison*, 432 U.S. 63, 74 (1977).

LEGISLATIVE SERVICE BUREAU
PERSONNEL REQUESTS

CLASSIFICATIONS AT PROPER GRADE

Administrative Code Editor

Ms. Phyllis Barry, Administrative Code Editor, is being placed at grade 38, step 1, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central legislative staff agencies. Ms. Barry's review date is June 23, 1989.

Senior Finance Officer

Ms. Marge Knudsen, Finance Officer, is being placed at grade 31, step 2, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central staff agencies. The action necessitates a reclassification due to the elimination of the current grade and the creation of a job series. For fiscal year 1988-89 Ms. Knudsen is responsible for all of the finance work associated with the Bureau's $3,536,700 budget, the Bureau's 66 employees, and the Bureau's $156,000 inventory. Ms. Knudsen's review date is June 23, 1989.

Chief Indexers

Mr. Richard Schulze, Iowa Code Indexer, is being placed at grade 24, step 5, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central staff agencies. The action necessitates a reclassification due to the elimination of the current grade and the creation of a job series. Mr. Schulze's review date is June 23, 1989.

Ms. Pamela Worden, Administrative Code Indexer, is being placed at grade 24, step 5, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central staff agencies. The action necessitates a reclassification due to the elimination of the current grade and the creation of a job series. Ms. Worden's review date is June 23, 1989.

RECOMMENDATIONS FOR RECLASSIFICATIONS

Legal Counsels

1. It is recommended that Mr. Gary Kaufman, Legal Counsel II, be reclassified as a Senior Legal Counsel, and placed at grade 36, step 2, in recognition of Mr. Kaufman's 10 1/2 years of service at

the Bureau and his expertise in the area of reapportionment. Mr. Kaufman's review date is June 23, 1989.

2. It is recommended that Ms. Susan Voss, Legal Counsel I, be reclassified as a Legal Counsel II, and placed at grade 33, step 4, in recognition of her six years of legislative service (five years with the Citizens' Aide Office and one year with the Bureau), her prior two years of experience as an Assistant Attorney General, and her dedicated service at the Bureau during the past year. This reclassification results in bringing Ms. Voss' salary up to the salary level she was receiving when she transferred from the Citizens' Aide Office to the Bureau (grade 31, step 6). Ms. Voss' review date is September 29, 1989.

VACANCY FILLINGS

Assistant Administrative Code Indexer

Ms. Patricia Fetters has been selected, pending Service Committee approval, to fill the vacant position of Assistant Administrative Code Indexer. Ms. Fetters has served the Bureau as a Proofreader and Proofreader-Indexer for 5 years. This personnel action results in a salary change from grade 17, step 6, to grade 18, step 6. It is requested that this change be effective retroactively to the nearest pay period to May 17, 1989, when the Service Committee and Legislative Council deferred on this change.

Proofreader Coordinator

Ms. Andrea Meier has been selected, pending Service Committee approval, to fill the vacant position of Proofreader Coordinator. Ms. Meier has served the Bureau as a Proofreader for 2 1/2 years and has performed the duties of the Proofreader Coordinator position beginning before the start of the 1989 Session. This personnel action results in a salary change from grade 16, step 3, to grade 18, step 2. It is requested that this change be effective retroactively to the nearest pay period to January 9, 1989, the beginning date of the 1989 Session.

Research Analyst - Redistricting

Mr. Gary Rudicil has been selected to fill the vacant position of Research Analyst I at grade 27, step 1, for the reapportionment work. This position was authorized last year and initially the position was to have been filled in the fall of 1988. Census Bureau data was to have been received last fall but should now be forthcoming. Mr. Rudicil's starting employment date is July 5, 1989.

Assistant Editor I

Due to the impending retirement of Ms. Grace Rehnblom in July, the assistant editor position will be filled in the near future, following the regular employment procedures of the Bureau.

Librarian

Due to the impending retirement of Ms. Ruth McGhee, one of the two librarian positions will be filled in the near future, following the regular employment procedures of the Bureau.

Temporary Public Information Assistant

Due to the two vacancies in the Public Information Office, one of the two positions needs to be filled on a temporary basis until a new Public Information Director is hired.

REQUEST TO EMPLOY LEGAL COUNSEL

Approval is requested to employ Ms. Aida Audeh as a Legal Counsel I, at grade 30, step 1. Donovan Peeters had notified her that she would be employed by the Legislative Service Bureau, pending approval of the reclassification of Mark Johnson from Legal Counsel to Research Division Chief. Ms. Audeh will fill the vacancy which will exist due to the impending resignation of Ms. Deanne Nail upon her marriage. Ms. Audeh's starting employment date is tentatively July 17, 1989.

REPORT ON PERSONS EMPLOYED FOR THE INTERIM
(Salary levels based on cumulative prior experience)

Temporary Code Proofreader/Indexer	
Gerry L. Rydell	17-6
Beverly D. Poore	17-6
Temporary Code Proofreader	
Hazel E. Schroedel	15-6
Maxine Mann	15-4
Temporary Research Analyst I	
John F. Fatino	27-1
Librarian	
McGhee	22-6
(completing phased retirement this calendar year)	
Summer Capitol Tour Guide	
Susan Madden	12-1
Saturday Capitol Tour Guides	
Wardak	12-1
Robinson	12-1
Vacant	12-1

Temporary Text Processor

It may be necessary to hire a text processor for the interim to assist in the handling of the Bureau's committee staffing and publication work. The assistance may be necessary due to the almost 4000 hours of compensatory time accrued by the Bureau's support staff during the last session.

Temporary Code Proofreaders

It may be necessary to hire additional temporary Code proofreaders for the interim in order to complete the interim publication work in the Code office.

GRADING OF POSITION

In approving the 1989-90 fiscal year budget for the Bureau, the Service Committee and the Legislative Council approved the conversion of an Assistant Iowa Code Editor position into a Deputy Iowa Code Editor position. It is recommended that the position be placed on the Bureau's table of organization at grade 33. A comparable worth factor scoring sheet is attached. The Bureau will proceed with the hiring process.

recom
rj/sw/29

GENERAL ASSEMBLY OF IOWA

LEGAL DIVISION
RICHARD L. JOHNSON
DIVISION CHIEF
DOUGLAS L. ADKISSON
MICHAEL J. GOEDERT
MARK W. JOHNSON
GARY L. KAUFMAN
C.J. MAY, III
DEANNE S. NAIL
SUSAN E. VOSS
JANET L. WILSON
DANIEL PITTS WINEGARDEN
LESLIE E. WORKMAN

RESEARCH DIVISION
PATRICIA A. FUNARO
THANE R. JOHNSON
JOHN C. POLLAK

LEGISLATIVE SERVICE BUREAU
STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
515 281-3566
DONOVAN PEETERS, *DIRECTOR*
DIANE E. BOLENDER, *DEPUTY DIRECTOR*

ADMINISTRATIVE CODE DIVISION
LUCAS BUILDING 515 281-5285
PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

PUBLIC INFORMATION OFFICE
GERALDINE FRIDLINGTON
ACTING DIRECTOR

IOWA CODE DIVISION
LUCAS BUILDING 515 281-5285
JoANN G. BROWN
IOWA CODE EDITOR

June 9, 1989

MEMORANDUM

TO: CHAIRMAN CONNORS AND MEMBERS OF THE SERVICE COMMITTEE

FROM: Diane Bolender, Acting Director DB

RE: June 21 meeting

Chairman Connors is scheduling the next meeting of the Service Committee for 9:45 a.m. on Wednesday, June 21, 1989, in Committee Room 22 of the State House. Enclosed is a copy of the Personnel Guidelines that you have previously considered, completed in the Legislative Fiscal Bureau "NOBA" style with the explanation to the side. Also enclosed are copies of a listing of questions relating to the use of family or parental leave that you may wish to consider, a listing of areas of discussion of the Staff Committee, the House of Representatives parental leave provisions, and the minutes of the May 17, 1989 Committee meeting. You will be receiving copies of personnel reports from the central staff agencies prior to the meeting date.

Please notify the Legislative Service Bureau if you will be unable to attend the meeting.

Service621
db/dg/20

GENERAL ASSEMBLY OF IOWA

AL DIVISION
RD L. JOHNSON
DIVISION CHIEF
DOUGLAS L. ADKISSON
MICHAEL J. GOEDERT
MARK W. JOHNSON
GARY L. KAUFMAN
C J. MAY, III
DEANNE S. NAIL
SUSAN E. VOSS
JANET L. WILSON
DANIEL PITTS WINEGARDEN
LESLIE E. WORKMAN

RESEARCH DIVISION
PATRICIA A. FUNARO
THANE R. JOHNSON
JOHN C. POLLAK

LEGISLATIVE SERVICE BUREAU
STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
515 281-3566
DONOVAN PEETERS, *DIRECTOR*
DIANE E. BOLENDER, *DEPUTY DIRECTOR*

ADMINISTRATIVE CODE DIVISION
LUCAS BUILDING 515 281-5285
PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

PUBLIC INFORMATION OFFICE
GERALDINE FRIDLINGTON
ACTING DIRECTOR

IOWA CODE DIVISION
LUCAS BUILDING 515 281-5285
JoANN G. BROWN
IOWA CODE EDITOR

June 13, 1989

MEMORANDUM

TO: CHAIRMAN CONNORS AND MEMBERS OF THE SERVICE COMMITTEE

FROM: Diane Bolender, Acting Director DB

RE: Personnel Reports

Enclosed are Personnel Reports of the Legislative Service Bureau, Legislative Fiscal Bureau and Computer Support Bureau. The Personnel Report of the Citizens' Aide/Ombudsman will be mailed at a later date. The Personnel Reports include information about merit increase eligibility of employees and merit increases granted since the last Personnel Report.

Also enclosed is a listing of personnel requests for the Legislative Service Bureau. They include:

1. Classifications at proper grade.
2. Recommendations for reclassifications
3. Vacancy fillings
4. Request to employ legal counsel
5. Report on persons employed for the interim
6. Grading of position

Also included are copies of descriptions for positions included in job series included in the Pay Resolution of Central Staff Agencies and for the position of Deputy Iowa Code Editor, Legislative Service Bureau.

serv,0613
db/sw/29

LEGISLATIVE SERVICE BUREAU
PERSONNEL REQUESTS

CLASSIFICATIONS AT PROPER GRADE

Administrative Code Editor

Ms. Phyllis Barry, Administrative Code Editor, is being placed at grade 38, step 1, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central legislative staff agencies. Ms. Barry's review date is June 23, 1989.

Senior Finance Officer

Ms. Marge Knudsen, Finance Officer, is being placed at grade 31, step 2, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central staff agencies. The action necessitates a reclassification due to the elimination of the current grade and the creation of a job series. For fiscal year 1988-89 Ms. Knudsen is responsible for all of the finance work associated with the Bureau's $3,536,700 budget, the Bureau's 66 employees, and the Bureau's $156,000 inventory. Ms. Knudsen's review date is June 23, 1989.

Chief Indexers

Mr. Richard Schulze, Iowa Code Indexer, is being placed at grade 24, step 5, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central staff agencies. The action necessitates a reclassification due to the elimination of the current grade and the creation of a job series. Mr. Schulze's review date is June 23, 1989.

Ms. Pamela Worden, Administrative Code Indexer, is being placed at grade 24, step 5, due to the action of the Service Committee and the Legislative Council in the passage of the resolution relating to the compensation of employees of the central staff agencies. The action necessitates a reclassification due to the elimination of the current grade and the creation of a job series. Ms. Worden's review date is June 23, 1989.

RECOMMENDATIONS FOR RECLASSIFICATIONS

Legal Counsels

1. It is recommended that Mr. Gary Kaufman, Legal Counsel II, be reclassified as a Senior Legal Counsel, and placed at grade 36, step 2, in recognition of Mr. Kaufman's 10 1/2 years of service at

the Bureau and his expertise in the area of reapportionment. Mr. Kaufman's review date is June 23, 1989.

2. It is recommended that Ms. Susan Voss, Legal Counsel I, be reclassified as a Legal Counsel II, and placed at grade 33, step 4, in recognition of her six years of legislative service (five years with the Citizens' Aide Office and one year with the Bureau), her prior two years of experience as an Assistant Attorney General, and her dedicated service at the Bureau during the past year. This reclassification results in bringing Ms. Voss' salary up to the salary level she was receiving when she transferred from the Citizens' Aide Office to the Bureau (grade 31, step 6). Ms. Voss' review date is September 29, 1989.

VACANCY FILLINGS

Assistant Administrative Code Indexer

Ms. Patricia Fetters has been selected, pending Service Committee approval, to fill the vacant position of Assistant Administrative Code Indexer. Ms. Fetters has served the Bureau as a Proofreader and Proofreader-Indexer for 5 years. This personnel action results in a salary change from grade 17, step 6, to grade 18, step 6. It is requested that this change be effective retroactively to the nearest pay period to May 17, 1989, when the Service Committee and Legislative Council deferred on this change.

Proofreader Coordinator

Ms. Andrea Meier has been selected, pending Service Committee approval, to fill the vacant position of Proofreader Coordinator. Ms. Meier has served the Bureau as a Proofreader for 2 1/2 years and has performed the duties of the Proofreader Coordinator position beginning before the start of the 1989 Session. This personnel action results in a salary change from grade 16, step 3, to grade 18, step 2. It is requested that this change be effective retroactively to the nearest pay period to January 9, 1989, the beginning date of the 1989 Session.

Research Analyst - Redistricting

Mr. Gary Rudicil has been selected to fill the vacant position of Research Analyst I at grade 27, step 1, for the reapportionment work. This position was authorized last year and initially the position was to have been filled in the fall of 1988. Census Bureau data was to have been received last fall but should now be forthcoming. Mr. Rudicil's starting employment date is July 5, 1989.

Assistant Editor I

Due to the impending retirement of Ms. Grace Rehnblom in July, the assistant editor position will be filled in the near future, following the regular employment procedures of the Bureau.

Librarian

Due to the impending retirement of Ms. Ruth McGhee, one of the two librarian positions will be filled in the near future, following the regular employment procedures of the Bureau.

Temporary Public Information Assistant

Due to the two vacancies in the Public Information Office, one of the two positions needs to be filled on a temporary basis until a new Public Information Director is hired.

REQUEST TO EMPLOY LEGAL COUNSEL

Approval is requested to employ Ms. Aida Audeh as a Legal Counsel I, at grade 30, step 1. Donovan Peeters had notified her that she would be employed by the Legislative Service Bureau, pending approval of the reclassification of Mark Johnson from Legal Counsel to Research Division Chief. Ms. Audeh will fill the vacancy which will exist due to the impending resignation of Ms. Deanne Nail upon her marriage. Ms. Audeh's starting employment date is tentatively July 17, 1989.

REPORT ON PERSONS EMPLOYED FOR THE INTERIM
(Salary levels based on cumulative prior experience)

Temporary Code Proofreader/Indexer	
Gerry L. Rydell	17-6
Beverly D. Poore	17-6
Temporary Code Proofreader	
Hazel E. Schroedel	15-6
Maxine Mann	15-4
Temporary Research Analyst I	
John F. Fatino	27-1
Librarian	
McGhee	22-6
(completing phased retirement this calendar year)	
Summer Capitol Tour Guide	
Susan Madden	12-1
Saturday Capitol Tour Guides	
Wardak	12-1
Robinson	12-1
Vacant	12-1

Temporary Text Processor

It may be necessary to hire a text processor for the interim to assist in the handling of the Bureau's committee staffing and publication work. The assistance may be necessary due to the almost 4000 hours of compensatory time accrued by the Bureau's support staff during the last session.

Temporary Code Proofreaders

It may be necessary to hire additional temporary Code proofreaders for the interim in order to complete the interim publication work in the Code office.

GRADING OF POSITION

In approving the 1989-90 fiscal year budget for the Bureau, the Service Committee and the Legislative Council approved the conversion of an Assistant Iowa Code Editor position into a Deputy Iowa Code Editor position. It is recommended that the position be placed on the Bureau's table of organization at grade 33. A comparable worth factor scoring sheet is attached. The Bureau will proceed with the hiring process.

recom
rj/sw/29

ACTUAL COMPARABLE WORTH FACTOR SCORES FOR LSB LEGAL COUNSELS AND IOWA CODE EDITOR AND PROPOSED COMPARABLE WORTH FACTOR SCORES FOR DEPUTY IOWA CODE EDITOR

FACTOR	LSB LEGAL COUNSEL I LEVEL	LSB LEGAL COUNSEL II LEVEL	SENIOR LSB LEGAL COUNSEL LEVEL	IOWA CODE EDITOR LEVEL	DEPUTY IOWA CODE EDITOR LEVEL
1.Knowledge-Ed.	7	8	8	8	8
2.Knowledge-Exp.	3	4	5	6	5
3.Job Complexity	4	5	6	6	5
4.Guidelines/Superv.	3	3	4	5	3
5.Pers. Contacts	D4	D4	D4	C4	C4
6.Physical Demands	2	2	2	1	1
7.Mental/Visual Dem.	1	1	1	3	3
8.Superv. Exercised	A1	B2	B2	D2	C2
9.Scope/Effect	3	3	4	4	3
10.Impact of Error	3	3	3	4	3
11.Wk. Environment	1	1	1	1	1
12.Hazards/Risks	1	1	1	1	1
13.Pace/Interruptions	C3	C3	C3	B2	B2
TOTAL POINTS	423	486	575	627	487
GRADE LEVELS:	30	33	36	38	33

cworth,legalcode
rj/sw/29

TENTATIVE AGENDA

SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

Wednesday, June 21, 1989

9:45 a.m. Call to Order

Roll Call

Review of Minutes of Meeting of May 16-17, 1989
(Previously Distributed)

Review of Personnel Guidelines for Central Staff Agencies

Report of Personnel Subcommittee

Computer Support Bureau

- Personnel Report

Legislative Fiscal Bureau

- Personnel Report

Legislative Service Bureau

- Personnel Report

Office of Citizens' Aide/Ombudsman

- Personnel Report

- Pending Lawsuits

Update on Activities of Computer Subcommittee

Additional Business, if any

Adjournment

agenda,service621
db/dg/20