HOUSE FILE 2313
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 548)

(As Amended and Passed by the House February 25, 2020)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to the military code and duty performed by a member of the United States coast guard.

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

Section 1. Section 29A.1, subsection 3, Code 2020, is amended to read as follows:

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

Sec. 2. Section 29A.28, subsection 1, paragraph a, Code 2020, is amended to read as follows:

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

Sec. 3. Section 29A.43, subsections 1 and 2, Code 2020, are amended to read as follows:

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

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

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

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

Sec. 4. Section 96.7, subsection 2, paragraph a, subparagraph (2), subparagraph division (e), Code 2020, is amended by adding the following new subparagraph subdivision:

NEW SUBPARAGRAPH SUBDIVISION. (iii) A regular, reserve, or auxiliary member of the United States coast guard performing duty as defined in section 29A.1, subsection 3, 8, or 12, who has completed the duty as evidenced in accordance with section 29A.43.