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Iowa

FMLA - Iowa

Summary of differences between federal and state regulations

Iowa employers need to be aware of state laws as well as the federal FMLA. The state laws include leave for pregnant employees and time off to serve as a witness.

Pregnancy

The state pregnancy leave provisions apply to employers with four or more employees.

Employee eligibility

Unlike federal FMLA, the state pregnancy discrimination provisions do not contain any eligibility criteria; the employee needs to work for an employer with four or more employees.

Leave entitlement

When required by the employee's health care provider, employees must be allowed to take an unpaid leave of absence for up to eight weeks if they are disabled because of the employee's pregnancy, childbirth, or related medical condition.

Type of leave

In regard to pregnancy disability leave, pregnancy is considered a temporary disability and must not be treated more harshly than other temporary disabilities under an employer policy.

Maintenance of health benefits

The law does not indicate that group health insurance coverage is required to be maintained during a pregnancy disability leave. Pregnancy-related leave should be treated the same as other types of leave. However, the federal FMLA does require group health care to be maintained during leave.

Job restoration

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave, but must allow up to eight weeks of medically indicated leave. Beyond that, employers should try to return the person to the same or similar job within the same pay range.

Notice

Employees must provide timely notice of the period of leave requested, and the employer must approve any change in the period requested before the change is effective. Employers may require that there be a medical certification to support the need for pregnancy disability leave.

Witness

The state witness leave provisions do not indicate a particular period of leave. Instead, they simply indicate that employees may not be terminated if they serve as a witness in a criminal proceeding or as a plaintiff, defendant, or witness in a civil proceeding.

State contacts

Iowa Civil Rights Commission
https://icrc.iowa.gov/

State statutes/regulations

Iowa Code, Title VI, Subtitle 1, Chapter 216, Civil Rights Commission, §216.6 Unfair employment practices
https://www.legis.iowa.gov/docs/code/2017/216.6.pdf

Iowa Administrative Code, Chapter 161, Civil Rights Commission, Chapter 8, Discrimination in Employment, §161.8.55, Employment policies relating to pregnancy and childbirth
https://www.legis.iowa.gov/docs/iac/rule/07-14-1999.161.8.55.pdf

Iowa Code, Title XVI, Chapter 915 Victim Rights, §915.23 Employment discrimination against witnesses prohibited
https://www.legis.iowa.gov/docs/code/2017/915.23.pdf

Federal

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Contacts US Dept. of Labor, Wage & Hour Division

Regulations 29 CFR Part 825, "The Family and Medical Leave Act of 1993"

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