

CHAPTER 1054

CHILD LABOR

H. F. 1251

AN ACT relating to child labor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter ninety-two (92), Code 1966, as amended by
2 chapter one hundred sixteen (116), section one (1), Acts of the Sixty-
3 second General Assembly, is hereby repealed and the following sec-
4 tions enacted in lieu thereof:

1 SEC. 2.

2 1. No person under ten years of age shall be employed or permitted
3 to work with or without compensation at any time within this state in
4 street occupations of peddling, bootblacking, the distribution or sale
5 of newspapers, magazines, periodicals, or circulars, nor in any other
6 occupations in any street or public place. The labor commissioner
7 shall, when ordered by a judge of the juvenile court, issue a work
8 permit as provided in this Act to a person under ten years of age.

9 2. No person under twelve years of age shall be employed or per-
10 mitted to work with or without compensation at any time within this
11 state in connection with migratory labor, except that the labor com-
12 missioner may upon sufficient showing by a judge of the juvenile
13 court, issue a work permit as provided in this Act to a person under
14 twelve years of age.

1 SEC. 3. No person between ten and sixteen years of age shall be
2 employed or permitted to work with or without compensation in con-
3 nection with any of the occupations mentioned in section two (2) of
4 this Act unless the worker complies with all the requirements for the
5 issuance of work permits. Upon compliance with the requirements of
6 this Act, such person shall be entitled to receive from the officer
7 authorized to issue work permits, a work permit which shall authorize
8 such person to engage in the occupations set forth in section two (2)
9 of this Act, at such time or times specified in the work permit, between
10 five o'clock a.m. and seven thirty o'clock p.m., except nine o'clock p.m.
11 June first through Labor Day; provided that nothing in this chapter
12 shall be construed to prohibit or restrict such persons being employed
13 or permitted to work without such work permit in or in connection
14 with the street occupations in cities and towns of less than ten thou-
15 sand population and in areas outside the corporate limits of any city
16 or town; in any city of ten thousand or more inhabitants such persons
17 shall comply with the requirements for the issuance of work permits
18 as described in this chapter except the filing of an employer's agree-
19 ment, but the school record so required shall certify only that the
20 person is regularly attending school and that the work in which he
21 wishes to engage will not interfere with his progress at school. Upon
22 compliance with these requirements such person shall be entitled to
23 receive from the officer authorized to issue work permits a street-
24 occupation permit or badge which shall authorize such person to
25 engage in the street occupations at such time or times specified in the
26 work permit between four o'clock a.m. and seven-thirty o'clock p.m.

27 each day the public schools of the city or district where such person
 28 resides are not in session, except that during the summer-school vaca-
 29 tion, such person may engage in such occupation until the hour of
 30 eight-thirty o'clock p.m.

31 All such permits or badges issued in the same calendar year shall
 32 be of the same color, which color shall be changed each year, and shall
 33 become void upon the first of January following their issuance. The
 34 requirements for keeping a file of permits and list of names provided
 35 for in section eleven (11) of this Act shall not apply to work in the
 36 street occupations as defined in subsection one (1) of section two (2)
 37 of this Act.

1 SEC. 4. No person under fourteen years of age shall be employed
 2 or permitted to work with or without compensation in any occupation,
 3 except in the street trade occupations or migratory labor occupations
 4 specified in section two (2) of this Act. Any migratory laborer twelve
 5 to fourteen years of age may not work prior to or during the regular
 6 school hours of any day of any private or public school which teaches
 7 general education subjects and which is available to such child.

1 SEC. 5. No person under sixteen years of age shall be employed or
 2 permitted to work with or without compensation in any occupation
 3 during regular school hours, except:

- 4 1. Those persons legally out of school, and such status is verified by
 5 the submission of written proof to the labor commissioner.
- 6 2. Those persons working in a supervised school-work program.
- 7 3. Those persons between the ages of fourteen and sixteen enrolled
 8 in school on a part-time basis and who are required to work as a part
 9 of their school training.
- 10 4. Fourteen and fifteen year old migrant laborers during any hours
 11 when summer school is in session.

1 SEC. 6. Persons fourteen and fifteen years of age may be employed
 2 or permitted to work in the following occupations:

- 3 1. Retail, food service, and gasoline service establishments.
- 4 2. Office and clerical work, including operation of office machines.
- 5 3. Cashiering, selling, modeling, art work, work in advertising de-
 6 partments, window trimming and comparative shopping.
- 7 4. Price marking and tagging by hand or by machine, assembling
 8 orders, packing and shelving.
- 9 5. Bagging and carrying out customers' orders.
- 10 6. Errand and delivery work by foot, bicycle, and public transpor-
 11 tation.
- 12 7. Clean-up work, including the use of vacuum cleaners and floor
 13 waxers, and maintenance of grounds.
- 14 8. Kitchen work and other work involved in preparing and serving
 15 food and beverages, including the operation of machines and devices
 16 used in the performance of such work, including but not limited to,
 17 dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake
 18 blenders, and coffee grinders.
- 19 9. Work in connection with motor vehicles and trucks if confined to
 20 the following:
 - 21 a. Dispensing gasoline and oil.
 - 22 b. Courtesy service.

- 23 *c.* Car cleaning, washing and polishing.
 24 Nothing in this subsection shall be construed to include work involving
 25 the use of pits, racks or lifting apparatus or involving the inflation of
 26 any tire mounted on a rim equipped with a removable retaining ring.
 27 10. Cleaning vegetables and fruits, and wrapping, sealing, labeling,
 28 weighing, pricing and stocking goods when performed in areas phys-
 29 ically separate from areas where meat is prepared, for sale and out-
 30 side freezers or meat coolers.
 31 11. Such other work as may be approved by the committee on child
 32 labor established by section twenty-two (22) of this Act.

- 1 SEC. 7. Persons fourteen and fifteen years of age may not be em-
 2 ployed in:
 3 1. Any manufacturing occupation.
 4 2. Any mining occupation.
 5 3. Processing occupations, except in a retail, food service, or gaso-
 6 line service establishment in those specific occupations expressly per-
 7 mitted under the provisions of section six (6) of this Act.
 8 4. Occupations requiring the performance of any duties in work-
 9 rooms or work places where goods are manufactured, mined, or other-
 10 wise processed, except to the extent expressly permitted in retail, food
 11 service, or gasoline service establishments under the provisions of
 12 section six (6) of this Act.
 13 5. Public messenger service.
 14 6. Operation or tending of hoisting apparatus or of any power-
 15 driven machinery, other than office machines and machines in retail,
 16 food service, and gasoline service establishments which are specified
 17 in section six (6) of this Act as machines which such minors may
 18 operate in such establishments.
 19 7. Any occupations found and declared to be hazardous by the com-
 20 mittee on child labor.
 21 8. Occupations in connection with the following, except office or
 22 sales work in connection with these occupations, not performed on
 23 transportation media or at the actual construction site:
 24 *a.* Transportation of persons or property by rail, highway, air, on
 25 water, pipeline, or other means.
 26 *b.* Warehousing and storage.
 27 *c.* Communications and public utilities.
 28 *d.* Construction, including repair.
 29 9. Any of the following occupations in a retail, food service, or
 30 gasoline service establishment:
 31 *a.* Work performed in or about boiler or engine rooms.
 32 *b.* Work in connection with maintenance or repair of the establish-
 33 ment, machines or equipment.
 34 *c.* Outside window washing that involves working from window
 35 sills, and all work requiring the use of ladders, scaffolds or their sub-
 36 stitutes.
 37 *d.* Cooking, except at soda fountains, lunch counters, snack bars, or
 38 cafeteria serving counters, and baking.
 39 *e.* Occupations which involve operating, setting up, adjusting,
 40 cleaning, oiling, or repairing power-driven food slicers and grinders,
 41 food choppers and cutters, and bakery-type mixers.
 42 *f.* Work in freezers and meat coolers and all work in preparation

43 of meats for sale, except wrapping, sealing, labeling, weighing, pric-
44 ing and stocking when performed in other areas.

45 *g.* Loading and unloading goods to and from trucks, railroad cars
46 or conveyors.

47 *h.* All occupations in warehouses except office and clerical work.

48 Nothing in this section shall be construed as prohibiting office,
49 errand or packaging work when done away from moving machinery.

1 SEC. 8. No person under sixteen years of age shall be employed
2 with or without compensation except as provided in section four (4)
3 of this Act before the hour of seven o'clock a.m. or after seven o'clock
4 p.m., except during the period from June first through Labor Day
5 when the hours may be extended to nine o'clock p.m. If such person
6 is employed for a period of five hours or more each day, an intermis-
7 sion of not less than thirty minutes shall be given. No such person
8 shall be employed for more than eight hours in one day, exclusive of
9 intermission, nor shall such person be employed for more than forty
10 hours in one week. The hours of work of persons under sixteen years
11 of age employed outside school hours shall not exceed four in one day
12 or twenty-eight in one week while school is in session.

1 SEC. 9. No person under eighteen years of age shall be employed
2 or permitted to work with or without compensation at any of the
3 following occupations or business establishments:

4 1. Occupations in or about plants or establishments manufacturing
5 or storing explosives or articles containing explosive components.

6 2. Occupations of motor vehicle driver and helper.

7 3. Logging occupations and occupations in the operation of any
8 sawmill, lath mill, shingle mill, or cooperage-stock mill.

9 4. Occupations involved in the operation of power-driven wood-
10 working machines.

11 5. Occupations involving exposure to radioactive substances and to
12 ionizing radiations.

13 6. Occupations involved in the operation of elevators and other
14 power-driven hoisting apparatus.

15 7. Occupations involved in the operation of power-driven metal
16 forming, punching, and shearing machines.

17 8. Occupations in connection with mining.

18 9. Occupations in or about slaughtering and meat packing estab-
19 lishments and rendering plants.

20 10. Occupations involved in the operation of certain power-driven
21 bakery machines.

22 11. Occupations involved in the operation of certain power-driven
23 paper products machines.

24 12. Occupations involved in the manufacture of brick, tile, and re-
25 lated products.

26 13. Occupations involved in the operation of circular saws, band
27 saws, and guillotine shears.

28 14. Occupations involved in wrecking, demolition, and shipbreaking
29 operations.

30 15. Occupations involved in roofing operations.

31 16. Excavation occupations.

32 17. In or about foundries; provided that office, shipping, and as-

- 33 assembly area employment shall not be prohibited by this Act.
34 18. Occupations involving the operation of laundry, dry cleaning,
35 or dyeing machinery.
36 19. Occupations involving exposure to lead fumes or its compounds,
37 or to dangerous or poisonous dyes or chemicals.
38 20. Occupations involving the transmission, distribution, or deliv-
39 ery of goods or messages between the hours of ten o'clock p.m. and
40 five o'clock a.m.
41 21. Occupations deemed by the committee on child labor to be haz-
42 ardous to life or limb.

- 1 SEC. 10. The provisions of section eleven (11) of this Act shall
2 not apply to pupils working under an instructor in a manual training
3 department in the public schools of the state or under an instructor
4 in a school shop, or industrial plant, or in a course of vocational edu-
5 cation approved by the board for vocational education, or to appren-
6 tices provided they are employed under all of the following conditions:
7 1. The apprentice is employed in a craft recognized as an appren-
8 ticeable trade.
9 2. The work of the apprentice in the occupations declared particu-
10 larly hazardous is incidental to his training.
11 3. Such work is intermittent and for short periods of time and is
12 under the direct and close supervision of a journeyman as a necessary
13 part of such apprentice training.
14 4. The apprentice is registered by the bureau of apprenticeship
15 and training of the United States department of labor as employed in
16 accordance with the standards established by that department.

- 1 SEC. 11. No person under sixteen years of age shall be employed
2 or permitted to work with or without compensation unless the person,
3 firm, or corporation employing such persons receives and keeps on file
4 accessible to any officer charged with the enforcement of this Act,
5 a work permit issued as hereinafter provided, and keeps a complete
6 list of the names and ages of all such persons under sixteen years of
7 age employed.
8 Certificates of age shall be issued for persons sixteen and seventeen
9 years of age and for all other persons eighteen and over upon request
10 of the person's prospective employer.

- 1 SEC. 12. A work permit, except for migrant laborers, shall be
2 issued only by the superintendent of schools or Iowa state employment
3 service division, or by a person authorized by said superintendent in
4 writing, or, where there is no superintendent of schools, by a person
5 authorized in writing by the local school board where such child re-
6 sides, upon the application of the parent, guardian, or custodian of the
7 child desiring such permit. The person authorized to issue work per-
8 mits shall not issue any such permit unless he has received, examined,
9 approved, and filed:
10 1. A written agreement from the person, firm, or corporation into
11 whose service the child under sixteen years of age is about to enter,
12 promising to give such child employment, describing the industry and
13 the work to be performed.
14 2. Evidence of age showing that the child is fourteen years old, or

15 more, which shall consist of one of the following proofs required in
16 the order herein designated:

17 *a.* A certified copy of the birth certificate filed according to law
18 with a registrar of vital statistics or other officer charged with the
19 duty of recording births.

20 *b.* A passport or a certified copy of a certificate of baptism showing
21 the date and place of birth and the place of baptism of such child.

22 *c.* A school census record.

23 *d.* In cases where none of the above named proofs are obtainable, a
24 certificate, signed by the local medical inspector of schools, or if there
25 be no such inspector, then by a physician appointed by the local board
26 of education, certifying that in his opinion the applicant for the work
27 permit is fourteen years of age or more.

1 SEC. 13. Every person, firm, or corporation employing migrant
2 laborers shall obtain and keep on file, accessible to any officer charged
3 with the enforcement of this Act, a special work permit, prior to the
4 employment of such migratory laborer. Special work permits for
5 migrant workers shall be issued by the superintendent of schools, or
6 his designee, nearest the temporary living quarters of the family, or
7 by the county director of social welfare or by the Iowa state employ-
8 ment service division, upon application of the parent or head of the
9 migrant family. The person authorized to issue such permits for
10 migratory workers shall not issue such permit until he has received,
11 examined, and approved one of the following as evidence of age: a
12 birth certificate, passport, baptism certificate, or school record. Appli-
13 cants under fourteen years of age must obtain a certificate from a
14 registered nurse or physician stating that the applicant for the work
15 permit has reached the normal development of a child of his age and
16 is in sufficiently sound health and physically able to perform the work
17 for which the permit is sought. One copy of the permit issued shall
18 be given to the employer to be kept on file for the length of employ-
19 ment and upon termination of employment shall be returned to the
20 labor commissioner. One copy of the permit shall be kept by the issu-
21 ing officer, and one copy forwarded to the commissioner, along with
22 the certificate of fitness of the persons under fourteen years of age.
23 The blank forms for the work permit for migratory workers shall be
24 formulated by the commissioner and furnished by him to the issuing
25 officer.

1 SEC. 14. The labor commissioner or the issuing officer may refuse
2 to grant a permit if, in his judgment, the best interests of the minor
3 would be served by such refusal and he shall keep a record of such
4 refusals, and the reasons therefor.

1 SEC. 15. Every work permit shall state the date of issuance, name,
2 sex, the date and place of birth, the residence of the child in whose
3 name it is issued, the color of hair and eyes, the height and weight,
4 the proof of age, the school grade completed, the name and location of
5 the establishment where the child is to be employed, the industry,
6 specified occupation, a brief description of duties for which the per-
7 mit is issued, that the papers required for its issuance have been duly
8 examined, approved, and filed, and that the person named therein has

9 personally appeared before the officer issuing the permit and has been
10 examined.

1 SEC. 16. A duplicate of every such work permit issued shall be
2 filled out and forwarded to the office of the labor commissioner within
3 one week after it is issued.

1 SEC. 17. The proper forms for the work permit, the employer's
2 agreement, the school record, certificate of age, and the physician's
3 certificate shall be formulated by the committee on child labor and
4 shall be furnished by the labor commissioner to the issuing authori-
5 ties.

1 SEC. 18. Nothing in this Act shall be construed to prohibit:

2 1. Any part-time, occasional, or volunteer work for nonprofit
3 organizations generally recognized as educational, charitable, reli-
4 gious, or community service in nature.

5 2. A child from working in or around any home before or after
6 school hours or during vacation periods, provided such work is not
7 related to or part of the business, trade, or profession of the em-
8 ployer.

9 3. Part-time work in agriculture, not including migratory labor.

10 4. A child from working in any occupation or business operated by
11 his parents.

1 SEC. 19. As used in this Act, the term "migratory labor" shall
2 include any person who customarily and repeatedly travels from state
3 to state for the purpose of obtaining seasonable employment.

1 SEC. 20. No parent, guardian, or other person, having under his
2 control any person under eighteen years of age, shall willfully permit
3 said person to work or be employed in violation of the provisions of
4 this Act.

5 No person shall willfully make, certify to, or cause to be made or
6 certified any statement, certificate, or other paper for the purpose of
7 procuring the employment of any person in violation of this Act.

8 No person shall make, file, execute, or deliver any statement, cer-
9 tificate, or other paper containing false statements for the purpose of
10 procuring employment of any person in violation of this Act.

11 No person, firm, or corporation, or any agent thereof shall willfully
12 conceal or permit a person to be employed in violation of this Act.

13 No person, firm, or corporation shall refuse to allow any authorized
14 persons to inspect the place of business or provide information neces-
15 sary to the enforcement of this Act.

1 SEC. 21. The parent, guardian, or person in charge of any migra-
2 tory worker or of any child who shall engage in any street occupation
3 in violation of any of the provisions of this Act shall be punished by a
4 fine of not less than twenty dollars nor more than fifty dollars.

5 Any person who furnishes or sells to any minor child any article of
6 any description when he knows or should have known that said minor
7 intends to sell in violation of the provisions of this Act, shall be pun-
8 ished by a fine or not less than twenty dollars nor more than one
9 hundred dollars.

10 Any other violation of this Act for which a penalty is not specifi-

11 cally provided, shall be punishable by a fine of not less than twenty
12 dollars nor more than one hundred dollars. Every day during which
13 any violation of this Act continues shall constitute a separate and dis-
14 tinct offense, and the employment of any person in violation of this
15 Act shall, with respect to each person so employed, constitute a sepa-
16 rate and distinct offense.

1 SEC. 22. There is hereby established a committee on child labor.
2 The committee shall consist of the labor commissioner who shall act
3 as chairman, the superintendent of public instruction or his designee,
4 a representative of the Iowa employment security commission selected
5 by the commission, and two persons representing the public and inter-
6 ested in child labor, to be appointed by the governor, without regard
7 to political affiliation. The public representatives shall serve for a
8 term of four years from July 1, 1970, and until their successors are
9 appointed and qualify. The governor shall fill any public member's
10 vacancy for any unexpired term. Public members shall receive com-
11 pensation for service on this committee as shall be provided by the
12 General Assembly.

13 The committee shall adopt rules of procedure for its meetings and
14 activities.

15 It shall be the duty of the committee to hold public hearings, to
16 formulate rules more specifically defining the occupations and equip-
17 ment permitted or prohibited herein, to determine occupations for
18 which work permits shall be required, and to issue general and special
19 orders prohibiting or allowing the employment of persons under
20 eighteen years of age in any place of employment hazardous to the
21 health, safety, and welfare of such persons as defined in this Act.

1 SEC. 23. It shall be the duty of the labor commissioner, his deputies,
2 inspectors, and assistants, to enforce the provisions of this Act.
3 It shall also be the duty of all mayors and police officers, town and city
4 marshals, sheriffs, and their deputies, school superintendents, school
5 truant and attendance officers, within their several jurisdictions, to
6 cooperate in the enforcement of such provisions and furnish the com-
7 missioner, his deputies and assistants all information coming to their
8 knowledge regarding any violations of such provisions. All such
9 officers and any person authorized in writing by any court of record
10 shall have authority to enter for purpose of investigation any of the
11 establishments and places mentioned in this Act and to freely question
12 any person therein as to any violations of such provisions.

13 It shall be the duty of county attorneys to investigate all com-
14 plaints made to them of violations of any such provisions, and to
15 prosecute all such cases of violation within their respective counties.

1 SEC. 24. Anyone under the age of nineteen and subject to this Act
2 employed in the street trades who sells or delivers the product or
3 service of another and who is designated in such capacity as an inde-
4 pendent contractor shall be provided participation, if he desires it at
5 group rate cost, in group insurance for medical, hospital, nursing and
6 doctor expenses incurred as a result of injuries sustained arising out
7 of and in the course of selling or delivering such product or service
8 by the person, firm or corporation whose product or service is so de-
9 livered.

1 SEC. 25. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its final approval and publica-
 3 tion in The Cedar Rapids Gazette, a newspaper published at Cedar
 4 Rapids, Iowa, and in The Muscatine Journal, a newspaper published
 5 at Muscatine, Iowa.

Approved April 17, 1970.

I hereby certify that the foregoing Act, House File 1251, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, April 23, 1970, and in The Muscatine Journal, Muscatine, Iowa, April 24, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1055

EMPLOYMENT SECURITY CONTINGENCY FUND

H. F. 788

AN ACT to establish a special employment security contingency fund consisting of interest and penalties collected on delinquent employment security contributions and reports.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-six point thirteen (96.13), Code 1966,
 2 is hereby amended by adding thereto the following new subsection:
 3 "3. *Special employment security contingency fund.* There is hereby
 4 created in the state treasury a special fund to be known as the special
 5 employment security contingency fund. All interest, fines, and pen-
 6 alties, regardless of when the same become payable, collected from
 7 employers under the provisions of section ninety-six point fourteen
 8 (96.14) of the Code subsequent to July 1, 1970, shall be paid into this
 9 fund. Said moneys shall not be expended or available for expenditure
 10 in any manner which would permit their substitution for federal funds
 11 which would in the absence of said moneys be available to finance ex-
 12 penditures for the administration of the employment security law.
 13 Nothing in this section shall prevent said moneys from being used as a
 14 revolving fund to cover expenditures for which federal funds have
 15 been duly requested but not yet received, subject to the charging of
 16 such expenditures against such funds when received. Said fund may
 17 be used for the payment of costs of administration which are found
 18 not to have been properly and validly chargeable against federal grants
 19 or other funds, received for or in the employment security administra-
 20 tion fund. The moneys in this fund are hereby specifically made avail-
 21 able to replace, within a reasonable time, any moneys received by this
 22 state in the form of grants from the federal government for adminis-
 23 trative expenses which because of any action or contingency have
 24 been expended for purposes other than, or in excess of, those necessary
 25 for the proper administration of the employment security law. All
 26 moneys in the special employment security contingency fund shall be
 27 deposited, administered, and disbursed in the same manner and under
 28 the same conditions and requirements as are provided by law for other
 29 special funds in the state treasury.