

SENATE FILE 151

Do Pass 2/7/83 (p. 657)

Labor & Industrial Relations
Slater, Chair
Hutchins
Jensen

JAN 27 1983

SENATE FILE 151

BY HORN

Senate File 151

Labor and Industrial Relations: Sherzan, Chair; Brammer and Hermann.

Do Pass per 3501 3/21/83 (p. 1049)

Passed Senate, Date 3-14-83 (p. 726) Passed House, Date 4-14-83 (p. 1304)

Vote: Ayes 38 Nays 4 Vote: Ayes 90 Nays 10

Approved May 5, 1983 (p. 1578)

A BILL FOR

1 An Act to prohibit employers from charging applicants a
2 fee as a condition of application or employment.

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

SENATE FILE 151

H-3501

1 Amend Senate File 151 as passed by the Senate,
2 as follows:

3 1. Page 1, line 19, by inserting after the word
4 "employer" the words and figure ", however an employer
5 may utilize the services provided by an employment
6 agency".

7 2. Page 1, line 33, by inserting after the word
8 "employer" the words and figure ", however an employer
9 may utilize the services provided by an employment
10 agency".

H-3501 FILED MARCH 31, 1983

House 4/14/83 (p. 1304)

BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

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1 Section 1. Section 94.5, Code 1983, is amended to read
2 as follows:

3 94.5 FAILURE TO PROCURE EMPLOYMENT. ~~Every~~ A person, ~~firm,~~
4 ~~or corporation~~ who ~~shall agree~~ agrees or ~~promise~~ promises,
5 or who ~~shall advertise~~ advertises through the public press,
6 or by letter, to furnish employment or situations to ~~any~~ a
7 person ~~or persons~~, and in pursuance of ~~such~~ the advertisement,
8 agreement, or promise, ~~shall receive any~~ receives money,
9 personal property, or other valuable ~~thing whatsoever~~
10 consideration, and who ~~shall fail~~ fails to procure for ~~such~~
11 the person ~~or persons~~ acceptable situations or employment
12 as agreed upon, within the time stated or agreed upon, or
13 if no time ~~be~~ is specified then within a reasonable time,
14 shall upon demand return all ~~such~~ money, personal property,
15 or valuable consideration of whatever character. ~~The~~
16 ~~provisions of this~~ This section, however, ~~shall~~ does not apply
17 to registration fees of one dollar or less. An employer shall
18 not require an applicant to pay a fee or charge as a condition
19 of application or hire with the employer.

20 Sec. 2. Section 94.6, Code 1983, is amended to read as
21 follows:

22 94.6 LIMITATION OF FEE. ~~No such~~ A person, ~~firm, or~~
23 ~~corporation~~ licensed under section 95.1, shall not charge
24 a fee for the furnishing or procurement of ~~any~~ a situation
25 or employment paying less than two hundred fifty dollars per
26 month which ~~shall exceed~~ exceeds twenty-five percent of the
27 wages paid for the first month of ~~any such~~ employment or
28 situation furnished or procured, but in no event shall the
29 charge for the furnishing or procurement of any situation
30 or employment be in excess of eight percent of the annual
31 gross earnings. An employer shall not require an applicant
32 to pay a fee or charge as a condition of application or hire
33 with the employer. The provisions of this section shall not
34 apply to the furnishing or procurement of vaudeville acts,
35 circus acts, theatrical, stage or platform attractions or

1 amusement enterprises or to fees charged solely to employers
2 where no fee is charged to the employee.

3 EXPLANATION

4 This bill prohibits employers from charging an application
5 fee to applicants. This bill takes effect July 1 following
6 enactment.

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SENATE FILE 151

AN ACT

TO PROHIBIT EMPLOYERS FROM CHARGING APPLICANTS A FEE AS A
CONDITION OF APPLICATION OR EMPLOYMENT.

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

Section 1. Section 94.5, Code 1983, is amended to read
as follows:

94.5 FAILURE TO PROCURE EMPLOYMENT. ~~Every~~ ~~a~~ ~~person~~ ~~firm~~ ~~or~~ ~~corporation~~ who ~~shall~~ ~~agree~~ ~~agrees~~ or ~~promise~~ ~~promises~~, or who ~~shall~~ ~~advertise~~ ~~advertises~~ through the public press, or by letter, to furnish employment or situations to ~~any~~ a person ~~or~~ ~~persons~~, and in pursuance of ~~such~~ ~~the~~ advertisement, agreement, or promise, ~~shall~~ ~~receive~~ ~~any~~ ~~receives~~ money, personal property, or other valuable ~~thing~~ ~~whatsoever~~ consideration, and who ~~shall~~ ~~fail~~ ~~fails~~ to procure for ~~such~~ ~~the~~ person ~~or~~ ~~persons~~ acceptable situations or employment as agreed upon, within the time stated or agreed upon, or if no time ~~he~~ is specified then within a reasonable time, shall upon demand return all ~~such~~ money, personal property, or valuable consideration of whatever character. ~~The~~ ~~provisions~~ ~~of~~ ~~this~~ This section, however, ~~shall~~ ~~does~~ not apply to registration fees of one dollar or less. An employer shall not require an applicant to pay a fee or charge as a condition of application or hire with the employer.

Sec. 2. Section 94.6, Code 1983, is amended to read as follows:

94.6 LIMITATION OF FEE. ~~No~~ ~~such~~ ~~a~~ person, ~~firm~~ ~~or~~ ~~corporation~~ licensed under section 95.1, shall not charge a fee for the furnishing or procurement of ~~any~~ a situation or employment paying less than two hundred fifty dollars per month which ~~shall~~ ~~exceed~~ exceeds twenty-five percent of the

wages paid for the first month of ~~any~~ ~~such~~ employment or situation furnished or procured, but in no event shall the charge for the furnishing or procurement of any situation or employment be in excess of eight percent of the annual gross earnings. An employer shall not require an applicant to pay a fee or charge as a condition of application or hire with the employer. The provisions of this section shall not apply to the furnishing or procurement of vaudeville acts, circus acts, theatrical, stage or platform attractions or amusement enterprises or to fees charged solely to employers where no fee is charged to the employee.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 151, Seventieth General Assembly.

K. MARIE TRAYER
Secretary of the Senate

Approved May 5, 1983

TERRY E. BRANSTAD
Governor

S.F. 151