

91A.10 Settlement of claims and suits for wages — prohibition against discharge of employee.

1. Upon the written complaint of the employee involved, the director may determine whether wages have not been paid and may constitute an enforceable claim. If for any reason the director decides not to make such determination, the director shall so notify the complaining employee within fourteen days of receipt of the complaint. The director shall otherwise notify the employee of such determination within a reasonable time and if it is determined that there is an enforceable claim, the director shall, with the consent of the complaining employee, take an assignment in trust for the wages and for any claim for liquidated damages without being bound by any of the technical rules respecting the validity of the assignment. However, the director shall not accept any complaint for unpaid wages and liquidated damages after one year from the date the wages became due and payable.

2. The director, with the assistance of the office of the attorney general if the director requests such assistance, shall, unless a settlement is reached under [this subsection](#), commence a civil action in any court of competent jurisdiction to recover for the benefit of any employee any wage, expenses, and liquidated damages' claims that have been assigned to the director for recovery. The director may also request reasonable and necessary attorney fees. With the consent of the assigning employee, the director may also settle a claim on behalf of the assigning employee. Proceedings under [this subsection](#) and [subsection 1](#) that precede commencement of a civil action shall be conducted informally without any party having a right to be heard before the director. The director may join various assignments in one claim for the purpose of settling or litigating their claims.

3. The provisions of [subsections 1 and 2](#) shall not be construed to prevent an employee from settling or bringing an action for damages under [section 91A.8](#) if the employee has not assigned the claim under [subsection 1](#).

4. Any recovery of attorney fees, in the case of actions brought under [this section](#) by the director, shall be remitted by the director to the treasurer of state for deposit in the general fund of the state. Also, the director shall not be required to pay any filing fee or other court costs.

5. An employer shall not discharge or in any other manner discriminate against any employee because the employee has filed a complaint, assigned a claim, or brought an action under [this section](#) or has cooperated in bringing any action against an employer. Any employee may file a complaint with the director alleging discharge or discrimination within thirty days after such violation occurs. Upon receipt of the complaint, the director shall cause an investigation to be made to the extent deemed appropriate. If the director determines from the investigation that the provisions of [this subsection](#) have been violated, the director shall bring an action in the appropriate district court against such person. The district court shall have jurisdiction, for cause shown, to restrain violations of [this subsection](#) and order all appropriate relief including rehiring or reinstatement of the employee to the former position with back pay.

[C77, 79, 81, §91A.10]

[84 Acts, ch 1270, §3](#); [90 Acts, ch 1136, §9](#); [2023 Acts, ch 19, §1829](#)

Referred to in [§91A.3, 91A.6](#)