

CHAPTER 36  
WAGE DISCRIMINATION  
[Prior to 9/24/86, Labor, Bureau of [530]]  
[Prior to 10/21/98, see 347—Ch 36]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/29/30

**875—36.1(91A) Definitions.**

“*Director*” means the director of the department of inspections, appeals, and licensing or the director’s designee.

“*The Act*” means Iowa Code chapter 91A.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

**875—36.2(91A) General requirements.** An employer shall not discharge or in any manner discriminate against any employee because the employee has:

1. Filed any complaint under or related to the Act;
2. Assigned a wage claim to the director;
3. Instituted or caused to be instituted any proceeding under or related to the Act;
4. Cooperated in bringing any action against an employer under or related to the Act;
5. Exercised on the employee’s behalf or on behalf of others any right afforded by the Act.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

**875—36.3(91A) Unprotected activities distinguished.**

**36.3(1)** Wage discrimination occurs when an employer engages in adverse action because the employee engaged in a protected activity. An employee’s engagement in activities protected by the Act does not automatically render the employee immune from adverse action dictated by nonprohibited considerations.

**36.3(2)** A violation exists if the protected activity was a substantial reason for the action, or if the discharge or other adverse action would not have taken place “but for” engagement in the protected activity.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

**875—36.4(91A) Complaint under or related to the Act.** Discharge or discriminatory actions to an employee because the employee has filed a wage claim or asserted in good faith rights covered by the Act are prohibited.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

**875—36.5(91A) Proceedings related to the Act.** Discharge of or discrimination against any employee because the employee has cooperated in bringing any action against an employer related to the Act is prohibited. Protection under the Act would extend to any statements given in the course of judicial, quasi-judicial, and administrative proceedings, including inspections, investigations, or adjudicative functions.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

**875—36.6(91A) Filing of complaint for discrimination or discharge.**

**36.6(1)** Any employee who believes that discrimination in violation of Iowa Code section 91A.10(5) has occurred may, within 30 days after the violation occurs, lodge a complaint with the director alleging the violation. No particular form is required. If, as a result of the investigation, the director determines that Iowa Code section 91A.10(5) has been violated, civil action may be instituted in any appropriate district court to restrain the violations and to obtain other appropriate relief.

**36.6(2)** Complaints not filed within 30 days of an alleged violation will ordinarily be presumed to be untimely. However, there may be circumstances that would justify tolling of the 30-day period on recognized equitable principles or because of strongly extenuating circumstances.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

**875—36.7(91A) Decision of the director.**

**36.7(1)** Upon receipt of all requested information, the director may determine the employee's complaint alleging discharge or discrimination is enforceable and notify the employee of that determination.

**36.7(2)** Upon a determination that the employee's complaint alleging discharge or discrimination is enforceable, the director will notify the employer of that determination in writing and afford the employer an opportunity to tender settlement within 14 days of the writing prior to initiating judicial proceedings.

**36.7(3)** Upon a determination that the employee's complaint alleging discharge or discrimination is unenforceable, the director shall notify the employee of that decision in writing. The employee shall have 14 days from the date of the written notification to appeal the decision to the director. If the appeal is not made in writing within the 14-day period, then the employee loses the right to appeal the unenforceable decision.

[ARC 8682C, IAB 12/25/24, effective 1/29/25]

These rules are intended to implement Iowa Code section 91A.10(5).

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