

875—215.2(91D) Definitions. As used in 875—Chapters 216 through 220:

“*Agriculture*” includes farming in all its branches and among other things includes the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities; the raising of livestock, bees, furbearing animals, or poultry; and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm incident to or in conjunction with farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

“*Commerce*” means trade, commerce, transportation, transmission, or communication among the several states or between any state and any place outside thereof.

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

“*Employee*” means any individual employed by an employer. In the case of an individual employed by a public agency, the term means any individual employed by the state, political subdivision of the state, or an interstate governmental agency, other than the individual:

1. Who is not subject to the civil service laws of the state, political subdivision, or agency that employs the individual; and
2. Who:
 - Holds a public elective office of that state, political subdivision, or agency,
 - Is selected by the holder of the office to be a member of the holder’s personal staff,
 - Is appointed by the officeholder to serve on a policy-making level,
 - Is an immediate adviser to the officeholder with respect to the constitutional or legal powers of the office, or
 - Is an employee in the legislative branch or legislative body of that state, political subdivision, or agency and is not employed by the legislative library of the state, political subdivision, or agency.

“*Employee*” does not mean:

1. For purposes of the definition of “person-day,” any individual employed by an employer engaged in agriculture if the individual is the parent, spouse, child, or other member of the employer’s immediate family.
2. Any individual who volunteers to perform services for a public agency that is the state, a political subdivision of the state, or an interstate government agency, if:
 - The individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
 - The services are not the same type of services that the individual is employed to perform for the public agency.

However, an employee of a public agency that is the state, a political subdivision of the state, or an interstate governmental agency may volunteer to perform services for any other state, political subdivision, or interstate governmental agency, including a state, political subdivision or agency with which the employing state, political subdivision, or agency has a mutual aid agreement.

“*Employer*” includes any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of the labor organization.

“*Enterprise*” means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements. Any establishment that has as its only regular employees the owner thereof or the parent, spouse, child, or other member of the immediate family of the owner is considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of an enterprise.

“*Industry*” means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.

“*Person*” means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

“Person-day” means any day during which an employee performs any agricultural labor for not less than one hour.

“Produced” means produced, manufactured, mined, handled, or in any other manner worked on in any state; and an employee is engaged in the production of goods if the employee is employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on the goods, or in any closely related process or occupation directly essential to the production thereof, in any state.

“Public agency” means the government of the state of Iowa, its various departments and agencies, and any political subdivision of the state.

“Resale” does not include the sale of goods to be used in residential or farm building construction, repair, or maintenance, provided that the sale is recognized as a bona fide retail sale in the industry.

“Sale” or *“sell”* includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

“Tipped employee” means any employee engaged in an occupation in which the employee customarily received more than \$30 a month in tips.

“Wage” paid to any employee includes the reasonable cost, as determined by the director, to the employer of furnishing the employee with board, lodging, or other facilities. SOURCE: 29 U.S.C. 203.

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