

Reprint 2/24/84

House File 540

Labor and Industrial Relations: Connors, Chair; Brammer and Corey.

Do Pass 1/30/84 (p. 223)

MAR 21 1983

HOUSE FILE 540

BY CONNORS

LABOR & INDUSTRIAL RELATIONS

Passed House, Date 2-21-84 (p. 491) Passed Senate, Date _____

Vote: Ayes 88 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the definitions of an employer and employee
2 in chapter 91A.

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

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HF 540

1 Section 1. Section 91A.2, subsections 2 and 3, Code 1983,
2 are amended to read as follows:

3 2. "Employer" means any a person, as defined in chapter
4 4, who in this state employs for wages a natural person.
5 An employer does not include a client, patient, customer,
6 or other person who receives services from a licensed person
7 employed on a contractual basis for professional services.

8 3. "Employee" means a natural person who is employed in
9 this state for wages by an employer. ~~Employee-does-not-mean~~
10 ~~a-licensed-person-employed-on-a-contractual-basis-for~~
11 ~~professional-services-~~ For the purposes of this chapter,
12 the following persons engaged in agriculture ~~shall~~ are not
13 ~~be-deemed~~ employees:

14 a. The spouse of the employer and relatives of either
15 the employer or spouse residing on the premises of the
16 employer, ~~and.~~

17 b. ~~Any~~ A person engaged in agriculture as an owner-operator
18 or tenant-operator and the spouse or relatives of either who
19 reside on the premises while exchanging labor with the operator
20 or for other mutual benefit of any and all such persons.

21 EXPLANATION

22 This bill provides that an employer does not include a
23 person who receives services from a licensed person employed
24 on a contractual basis for professional services.

25 The bill also eliminates the exception from the definition
26 of an employee which provides that a licensed person employed
27 on a contractual basis for professional services is not
28 considered an "employee". This bill takes effect July 1
29 following enactment.

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HOUSE FILE 540

H-5096

1 Amend the amendment, H-5051, to House File 540,
2 as follows:
3 1. Page 1, by striking lines 2 and 3 and inserting
4 in lieu thereof the following:
5 "1. Page 1, lines 18 and 19, by striking the words
6 "who reside on the premises" and inserting in lieu
7 thereof the words "~~who-reside-on-the-premises~~"."

H-5096 FILED FEBRUARY 7, 1984 BY SCHROEDER of Pottawattamie
H/S 2/21 (p. 489)

HOUSE FILE 540

H-5099

1 Amend the amendment, H-5051, to House File 540,
2 as follows:
3 1. Page 1, by striking lines 2 and 3 and inserting
4 in lieu thereof the following:
5 "1. Page 1, by inserting after line 20 the
6 following:
7 "c. Neighboring persons engaged in agriculture
8 who are exchanging labor or other services."
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H-5099 FILED FEBRUARY 7, 1984 BY SCHROEDER of Pottawattamie
CONNORS of Polk
H/S 2/21 (p. 489)

H-5051

HOUSE FILE 540

- 1 Amend House File 540 as follows:
2 1. Page 1, line 19, by adding after the word "premises"
3 the word "or".

H-5051 FILED FEBRUARY 1, 1984 BY SCHROEDER of POTTAWATTAMIE
W/O 2/21 (p. 489)

HOUSE FILE 540

H-5093

- 1 Amend House File 540 as follows:
2 1. Page 1, by striking lines 6 and 7 and inserting
3 in lieu thereof the words "or other person who obtains
4 professional services from a licensed person who
5 provides the services on a fee service basis or as
6 an independent contractor."

H-5093 FILED FEB. 3, 1984 BY SPEAR of Lee
Adopted 2/21 (p. 489)

HOUSE FILE 540

H-5095

- 1 Amend House File 540 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. 2. Section 91A.10, subsection 5, Code 1983,
5 is amended to read as follows:
6 5. An employer shall not discharge or in any other
7 manner discriminate against any employee because ~~such~~
8 the employee has filed a complaint, assigned a claim,
9 or brought an action under this section or has
10 cooperated in bringing any action against an employer.
11 Any employee may file a complaint with the commissioner
12 alleging discharge or discrimination within thirty
13 days after such violation occurs. Upon receipt of
14 the complaint, the commissioner shall cause an
15 investigation to be made to the extent deemed
16 appropriate. If the commissioner determines from
17 the investigation that the provisions of this
18 subsection have been violated, the commissioner shall
19 bring an action in the appropriate district court
20 against such person. The district court shall have
21 jurisdiction, for cause shown, to restrain violations
22 of this subsection and order all appropriate relief
23 including rehiring or reinstatement of the employee
24 to the former position with back pay."

H-5095 FILED FEBRUARY 6, 1984 BY CONNORS of Polk
HALVORSON of Clayton
Adopted 2/21/84 (p. 490)

HOUSE FILE 540

H-5104

- 1 Amend House File 540 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "Sec. ____ Section 91A.3, Code 1983, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 7. A person engaged in the
- 7 production of seed who contracts with a farm labor
- 8 contractor for the removal of genetically deviant
- 9 plants or corn tassels or for the hand pollinating
- 10 of plants shall require the farm labor contractor
- 11 to file with the commissioner a bond of at least
- 12 twenty thousand dollars payable to the person engaged
- 13 in the production of seed, with a corporate surety
- 14 approved by the commissioner, conditioned to pay
- 15 employees of the farm labor contractor all wages due
- 16 the employees. If the bond is not filed as required,
- 17 the person engaged in the production of seed shall
- 18 be deemed the employer of the employees of the farm
- 19 labor contractor for the purpose of making the person
- 20 engaged in the production of seed liable to the
- 21 employees for wages not paid by the farm labor
- 22 contractor."
- 23 2. By renumbering as necessary.

H-5104 FILED FEBRUARY 7, 1984 BY HALVORSON of Clayton
Adopted 2/21/84 (p 491) CONNORS of Polk

HOUSE FILE 540

H-5133

- 1 Amend House File 540, as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "c. Neighboring persons engaged in agriculture
- 5 who are exchanging labor or other services."

H-5133 FILED FEBRUARY 9, 1984 BY SCHROEDER of Pottawattamie
Adopted 2/21/84 (p 491) CONNORS of Polk

HOUSE FILE 540

H-5226

- 1 Amend House File 540 as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to chapter 91A."

H-5226 FILED FEB. 21, 1984 BY CONNORS of Polk
ADOPTED BY UNANIMOUS CONSENT *(p 491)*

See L.R. 2/24/84 To Pass 2/5 (p. 672)

HOUSE FILE 540

Labor & Industrial Relations
Colton, Chair
Hulse
Weiss

HOUSE FILE 540

BY CONNORS

(As Amended and Passed by the House)

Passed House, Date 4-2-84 (p. 1570) Passed Senate, Date 3-26-84 (p. 1311)

Vote: Ayes 73 Nays 22 Vote: Ayes 45 Nays 0

Approved May 14, 1984

Repassed Senate 4-6-84 (p. 1372)
29-0

A BILL FOR

1 An Act relating to chapter 91A.

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

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House Amendments _____

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1 Section 1. Section 91A.2, subsections 2 and 3, Code 1983,
2 are amended to read as follows:

3 2. "Employer" means any a person, as defined in chapter
4 4, who in this state employs for wages a natural person.
5 An employer does not include a client, patient, customer,
6 or other person who obtains professional services from a
7 licensed person who provides the services on a fee service
8 basis or as an independent contractor.

9 3. "Employee" means a natural person who is employed in
10 this state for wages by an employer. ~~Employee-does-not-mean~~
11 ~~a-licensed-person-employed-on-a-contractual-basis-for~~
12 ~~professional-services.~~ For the purposes of this chapter,
13 the following persons engaged in agriculture ~~shall~~ are not
14 ~~be-deemed~~ employees:

15 a. The spouse of the employer and relatives of either
16 the employer or spouse residing on the premises of the
17 employer, ~~and.~~

18 b. ~~Any~~ A person engaged in agriculture as an owner-operator
19 or tenant-operator and the spouse or relatives of either who
20 reside on the premises while exchanging labor with the operator
21 or for other mutual benefit of any and all such persons.

22 c. Neighboring persons engaged in agriculture who are
23 exchanging labor or other services.

24 Sec. 2. Section 91A.3, Code 1983, is amended by adding
25 the following new subsection:

54226 NEW SUBSECTION. 7. A person engaged in the production
54227 of seed who contracts with a farm labor contractor for the
28 removal of genetically deviant plants or corn tassels or for
29 the hand pollinating of plants shall require the farm labor
30 contractor to file with the commissioner a bond of at least
31 twenty thousand dollars payable to the person engaged in the
32 production of seed, with a corporate surety approved by the
33 commissioner, conditioned to pay employees of the farm labor
34 contractor all wages due the employees. If the bond is not
35 filed as required, the person engaged in the production of

1 seed shall be deemed the employer of the employees of the
2 farm labor contractor for the purpose of making the person
3 engaged in the production of seed liable to the employees
4 for wages not paid by the farm labor contractor.

5 Sec. 3. Section 91A.10, subsection 5, Code 1983, is amended
6 to read as follows:

7 5. An employer shall not discharge or in any other manner
8 discriminate against any employee because such the employee
9 has filed a complaint, assigned a claim, or brought an action
10 under this section or has cooperated in bringing any action
11 against an employer. Any employee may file a complaint with
12 the commissioner alleging discharge or discrimination within
13 thirty days after such violation occurs. Upon receipt of
14 the complaint, the commissioner shall cause an investigation
15 to be made to the extent deemed appropriate. If the
16 commissioner determines from the investigation that the
17 provisions of this subsection have been violated, the
18 commissioner shall bring an action in the appropriate district
19 court against such person. The district court shall have
20 jurisdiction, for cause shown, to restrain violations of this
21 subsection and order all appropriate relief including rehiring
22 or reinstatement of the employee to the former position with
23 back pay.

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SENATE AMENDMENT TO HOUSE FILE 540

H-5912

1 Amend House File 540, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 26 through page 2,
4 line 4 and inserting in lieu thereof the following:

5 "NEW SUBSECTION. 7. A farm labor contractor who
6 contracts with a person engaged in the production
5-17 of seed or feed grains to remove genetically deviant
8 plants or corn tassels or to hand pollinate plants
9 shall file with the commissioner a bond of at least
10 twenty thousand dollars on behalf of the person engaged
11 in the production of seed or feed grains, with a
12 corporate surety approved by the commissioner, securing
13 the payment of all wages due the employees of the
14 farm labor contractor. The total and aggregate
15 liability of the surety on the bond is limited to
16 the amount specified in the bond. If the bond is
17 not filed as required or if the farm labor contractor
18 fails to pay all wages due the employees of the farm
19 labor contractor, the person engaged in the production
20 of seed or feed grains shall be liable to the employees
21 for wages not paid by the farm labor contractor."

H-5912 FILED MARCH 28, 1984

RECEIVED FROM THE SENATE

House amended & concurred 4/2 (p. 1576)

HOUSE FILE 540

H-5992

1 Amend amendment H-5912 to House File 540 as amended,
2 passed and reprinted by the House, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "remove" the words "unwanted or".

H-5992 FILED MARCH 29, 1984

BY STURGEON of Woodbury

Adopted 4/2 (p. 1569)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 540

S-5764

1 Amend amendment H-5912 to House File 540 as amended,
2 passed and reprinted by the House, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "remove" the words "unwanted or".

S-5764 FILED
APRIL 4, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/6 (p. 1372)

HOUSE FILE 540

S-5436

1 Amend House File 540, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 26 through page 2,
4 line 4 and inserting in lieu thereof the following:
5 "NEW SUBSECTION. 7. A farm labor contractor who
6 contracts with a person engaged in the production
7 of seed to remove genetically deviant plants or corn
8 tassels or to hand pollinate plants shall file with
9 the commissioner a bond of at least twenty thousand
10 dollars on behalf of the person engaged in the
11 production of seed, with a corporate surety approved
12 by the commissioner, securing the payment of all wages
13 due the employees of the farm labor contractor. The
14 total and aggregate liability of the surety on the
15 bond is limited to the amount specified in the bond.
16 If the bond is not filed as required or if the farm
17 labor contractor fails to pay all wages due the
18 employees of the farm labor contractor, the person
19 engaged in the production of seed shall be liable
20 to the employees for wages not paid by the farm labor
21 contractor."

S-5436 FILED
MARCH 19, 1984

BY MILO COLTON
BILL HUTCHINS

Placed out of order 3/26 (p. 1011)

HOUSE FILE 540

S-5440

1 Amend House File 540, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 26 through page 2,
4 line 4 and inserting in lieu thereof the following:
5 "NEW SUBSECTION. 7. A farm labor contractor who
6 contracts with a person engaged in the production
7 of seed or feed grains to remove genetically deviant
8 plants or corn tassels or to hand pollinate plants
9 shall file with the commissioner a bond of at least
10 twenty thousand dollars on behalf of the person engaged
11 in the production of seed or feed grains, with a
12 corporate surety approved by the commissioner, securing
13 the payment of all wages due the employees of the
14 farm labor contractor. The total and aggregate
15 liability of the surety on the bond is limited to
16 the amount specified in the bond. If the bond is
17 not filed as required or if the farm labor contractor
18 fails to pay all wages due the employees of the farm
19 labor contractor, the person engaged in the production
20 of seed or feed grains shall be liable to the employees
21 for wages not paid by the farm labor contractor."

S-5440 FILED
MARCH 19, 1984

BY MILO COLTON
BILL HUTCHINS

Adopted 3/26 (p. 1011)

HOUSE FILE 540

S-5354

1 Amend House File 540 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 1 through 3 and
4 inserting in lieu thereof the words "seed shall be
5 liable to the employees of the farm labor contractor".

S-5354 FILED

MARCH 13, 1984

Placed out of order 3/26 (p. 1011)

BY BILL HUTCHINS

HOUSE FILE 540

S-5412

1 Amend House File 540, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 26 through page 2,
4 line 4 and inserting in lieu thereof the following:
5 "NEW SUBSECTION. 7. A farm labor contractor who
6 contracts with a person engaged in the production
7 of seed to remove genetically deviant plants or corn
8 tassels or to hand pollinate plants shall file with
9 the commissioner a bond of at least twenty thousand
10 dollars on behalf of the person engaged in the
11 production of seed, with a corporate surety approved
12 by the commissioner, securing the payment of all wages
13 due the employees of the farm labor contractor. If
14 the bond is not filed as required or if the farm labor
15 contractor fails to pay all wages due the employees
16 of the farm labor contractor, the person engaged in
17 the production of seed shall be liable to the employees
18 for wages not paid by the farm labor contractor."

S-5412 FILED

MARCH 15, 1984

Placed out of order 3/26 (p. 1011)

BY BILL HUTCHINS

HOUSE FILE 540

AN ACT

RELATING TO CHAPTER 91A.

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

Section 1. Section 91A.2, subsections 2 and 3, Code 1983, are amended to read as follows:

2. "Employer" means any a person, as defined in chapter 4, who in this state employs for wages a natural person. An employer does not include a client, patient, customer, or other person who obtains professional services from a licensed person who provides the services on a fee service basis or as an independent contractor.

3. "Employee" means a natural person who is employed in this state for wages by an employer. ~~Employee does not mean a licensed person employed on a contractual basis for professional services.~~ For the purposes of this chapter, the following persons engaged in agriculture ~~shall~~ are not ~~be deemed~~ employees:

a. The spouse of the employer and relatives of either the employer or spouse residing on the premises of the employer ~~and~~.

b. Any A person engaged in agriculture as an owner-operator or tenant-operator and the spouse or relatives of either who reside on the premises while exchanging labor with the operator or for other mutual benefit of any and all such persons.

c. Neighboring persons engaged in agriculture who are exchanging labor or other services.

Sec. 2. Section 91A.3, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A farm labor contractor who contracts with a person engaged in the production of seed or feed grains to remove unwanted or genetically deviant plants or corn tassels or to hand pollinate plants shall file with the commissioner a bond of at least twenty thousand dollars on behalf of the person engaged in the production of seed or feed grains, with a corporate surety approved by the commissioner, securing the payment of all wages due the employees of the farm labor contractor. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond. If the bond is not filed as required or if the farm labor contractor fails to pay all wages due the employees of the farm labor contractor, the person engaged in the production of seed or feed grains shall be liable to the employees for wages not paid by the farm labor contractor.

Sec. 3. Section 91A.10, subsection 5, Code 1983, is amended to read as follows:

5. An employer shall not discharge or in any other manner discriminate against any employee because ~~such~~ 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 commissioner alleging discharge or discrimination within thirty days after such violation occurs. Upon receipt of the complaint, the commissioner shall cause an investigation to be made to the extent deemed appropriate. If the commissioner determines from the investigation that the provisions of this subsection have been violated, the commissioner 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.

DONALD D. AVENSON
Speaker of the House

CHARLES P. MILLER
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and
is known as House File 540, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1984

TERRY E. BRANSTAD
Governor