

Repealed 3/1/88

FEB 17 1988

HOUSE FILE 2260
BY COMMITTEE ON LABOR
AND INDUSTRIAL RELATIONS

Place On Calendar

(Formerly House Study Bill 603)

Passed House, Date 2/25/88 (441) Passed Senate, Date _____
Vote: Ayes 87 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to prohibit employer sanctions against employees who
2 refuse to work in unsafe conditions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2260

H-5155

- 1 Amend House File 2260 as follows:
- 2 1. Page 1, line 3, by striking the following:
- 3 "person An employer" and inserting the following: "A
- 4 person".
- 5 2. Page 1, line 10, by striking the words "An
- 6 employer" and inserting the words "A person".
- 7 3. Page 1, line 21, by striking the word
- 8 "employer" and inserting the word "person".
- 9 4. Page 1, line 25, by striking the words "person
- 10 an employer" and inserting the following: "a person".
- 11 5. Page 1, line 34, by striking the words "person
- 12 the employer" and inserting the following: "the
- 13 person".

H-5155 FILED FEBRUARY 24, 1988 BY PETERS of Woodbury

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1 Section 1. Section 88.9, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. DISCRIMINATION AND DISCHARGE. ~~No-person~~ An employer
4 shall not discharge or in any manner discriminate against any
5 an employee because ~~such~~ the employee has filed any a
6 complaint or instituted or caused to be instituted any a
7 proceeding under or related to this chapter or has testified
8 or is about to testify in any such proceeding or because of
9 the exercise by ~~such~~ the employee on behalf of the employee or
10 others of any a right afforded by this chapter. An employer
11 shall not discharge or in any manner discriminate against an
12 employee because the employee, who with no reasonable
13 alternative, refuses in good faith to expose the employee's
14 self to a dangerous condition of a nature that a reasonable
15 person, under the circumstances then confronting the employee,
16 would conclude that there is a real danger of death or serious
17 injury, provided the employee, where possible, has first
18 sought through resort to regular statutory enforcement
19 channels, unless there has been insufficient time due to the
20 urgency of the situation, or the employee has sought and been
21 unable to obtain from the employer, a correction of the
22 dangerous condition.

23 PARAGRAPH DIVIDED. Any An employee who believes that the
24 employee has been discharged or otherwise discriminated
25 against by ~~any-person~~ an employer in violation of this
26 subsection may, within thirty days after ~~such~~ the violation
27 occurs, file a complaint with the commissioner alleging ~~such~~
28 discrimination. Upon receipt of ~~such~~ the complaint, the
29 commissioner shall ~~cause-such~~ conduct an investigation ~~to-be~~
30 ~~made~~ as the commissioner deems appropriate. If, upon ~~such~~
31 investigation, the commissioner determines that the provisions
32 of this subsection have been violated, the commissioner shall
33 bring an action in the appropriate district court against ~~such~~
34 person the employer. In any such action, ~~that~~ the district
35 court ~~shall-have~~ has jurisdiction, ~~for-cause-shown~~ to restrain

1 violations of this subsection and order all appropriate relief
2 including rehiring or reinstatement of the employee to the
3 employee's former position with back pay. Within ninety days
4 of the receipt of a complaint filed under this subsection, the
5 commissioner shall notify the complainant of the
6 commissioner's determination under this subsection.

7 EXPLANATION

8 This bill prohibits an employer from discharging or
9 discriminating in any manner against an employee solely on the
10 basis of the employee's refusal to work in unsafe conditions.

11 SUCCESSOR TO HSB 603 (LSB 8089HC)

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See Base... 2/28 De Vane #110 (p. 145)

HOUSE FILE 2260
BY COMMITTEE ON LABOR
AND INDUSTRIAL RELATIONS

(As Amended and Passed by the House February 25, 1988)

Passed House, Date 2/25/88 (p. 471) Passed Senate, Date 3/29/88 (p. 1126)
Vote: Ayes 87 Nays 0 Vote: Ayes 48 Nays 0
Approved April 26, 1988

A BILL FOR

1 An Act to prohibit employer sanctions against employees who
2 refuse to work in unsafe conditions.

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

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House Amendments _____

1 Section 1. Section 88.9, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. DISCRIMINATION AND DISCHARGE. No A person shall not
4 discharge or in any manner discriminate against any an
5 employee because such the employee has filed any a complaint
6 or instituted or caused to be instituted any a proceeding
7 under or related to this chapter or has testified or is about
8 to testify in any such proceeding or because of the exercise
9 by such the employee on behalf of the employee or others of
10 any a right afforded by this chapter. A person shall not
11 discharge or in any manner discriminate against an employee
12 because the employee, who with no reasonable alternative,
13 refuses in good faith to expose the employee's self to a
14 dangerous condition of a nature that a reasonable person,
15 under the circumstances then confronting the employee, would
16 conclude that there is a real danger of death or serious
17 injury, provided the employee, where possible, has first
18 sought through resort to regular statutory enforcement
19 channels, unless there has been insufficient time due to the
20 urgency of the situation, or the employee has sought and been
21 unable to obtain from the person, a correction of the
22 dangerous condition.

23 PARAGRAPH DIVIDED. Any An employee who believes that the
24 employee has been discharged or otherwise discriminated
25 against by any a person in violation of this subsection may,
26 within thirty days after such the violation occurs, file a
27 complaint with the commissioner alleging such discrimination.
28 Upon receipt of such the complaint, the commissioner shall
29 ~~cause-such~~ conduct an investigation to-be-made as the
30 commissioner deems appropriate. If, upon such investigation,
31 the commissioner determines that the provisions of this
32 subsection have been violated, the commissioner shall bring an
33 action in the appropriate district court against such the
34 person. In any such action, that the district court shall
35 have has jurisdiction ~~for-cause-shown~~ to restrain violations

1 of this subsection and order all appropriate relief including
2 rehiring or reinstatement of the employee to the employee's
3 former position with back pay. Within ninety days of the
4 receipt of a complaint filed under this subsection, the
5 commissioner shall notify the complainant of the
6 commissioner's determination under this subsection.

7 SUCCESSOR TO HSB 603 (LSB 8089EC)

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HSB 603

House Study Bill 603

LABOR & INDUSTRIAL RELATIONS

Labor and Industrial Relations: Peters, Chair; Brammer and Eddie.

New
2260

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LABOR AND INDUSTRIAL
RELATIONS BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to prohibit employer sanctions against employees who
2 refuse to work in unsafe conditions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 730.6 EMPLOYEE'S RIGHT TO REFUSE
2 TO WORK IN UNSAFE CONDITIONS.

3 An employer shall not determine an employee's eligibility
4 for promotion, additional compensation, transfer, termination,
5 disciplinary, or other adverse personnel action solely on the
6 basis of the employee's refusal to work in conditions which do
7 not conform to applicable occupational safety or health
8 standards adopted pursuant to the federal Occupational Safety
9 and Health Act of 1970.

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EXPLANATION

11 This bill prohibits an employer from imposing sanctions
12 regarding promotion, compensation, transfer, termination, or
13 disciplinary action solely on the basis of an employee's
14 refusal to work in unsafe conditions.

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HOUSE FILE 2260

AN ACT

TO PROHIBIT EMPLOYER SANCTIONS AGAINST EMPLOYEES WHO REFUSE TO WORK IN UNSAFE CONDITIONS.

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

Section 1. Section 88.9, subsection 3, Code 1987, is amended to read as follows:

3. DISCRIMINATION AND DISCHARGE. No A person shall not discharge or in any manner discriminate against any an employee because such the employee has filed any a complaint or instituted or caused to be instituted any a proceeding under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such the employee on behalf of the employee or others of any a right afforded by this chapter. A person shall not discharge or in any manner discriminate against an employee because the employee, who with no reasonable alternative, refuses in good faith to expose the employee's self to a dangerous condition of a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury, provided the employee, where possible, has first sought through resort to regular statutory enforcement channels, unless there has been insufficient time due to the urgency of the situation, or the employee has sought and been unable to obtain from the person, a correction of the dangerous condition.

PARAGRAPH DIVIDED. Any An employee who believes that the employee has been discharged or otherwise discriminated against by any a person in violation of this subsection may, within thirty days after such the violation occurs, file a complaint with the commissioner alleging such discrimination. Upon receipt of such the complaint, the commissioner shall cause an investigation to be made as to

commissioner deems appropriate. If, upon such investigation, the commissioner determines that the provisions of this subsection have been violated, the commissioner shall bring an action in the appropriate district court against such the person. In any such action, that the district court shall have has jurisdiction, for cause shown to restrain violations of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to the employee's former position with back pay. Within ninety days of the receipt of a complaint filed under this subsection, the commissioner shall notify the complainant of the commissioner's determination under this subsection.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2260, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *April 26*, 1988

TERRY E. BRANSTAD
Governor

HF 2260