

JAN 9 1995
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 7
BY MURPHY

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

A BILL FOR

1 An Act requiring a day off each week for certain employees and
2 providing penalties.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF
7

1 Section 1. Section 91.4, subsection 5, Code 1995, is
2 amended to read as follows:

3 5. The director of the department of employment services,
4 in consultation with the labor commissioner, shall, at the
5 time provided by law, make an annual report to the governor
6 setting forth in appropriate form the business and expense of
7 the division of labor services for the preceding year, the
8 number of disputes or violations processed by the division and
9 the disposition of the disputes or violations, and other
10 matters pertaining to the division which are of public
11 interest, together with recommendations for change or
12 amendment of the laws in this chapter and chapters 88, 88A,
13 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91F, 92, 94, and
14 95, and the recommendations, if any, shall be transmitted by
15 the governor to the first general assembly in session after
16 the report is filed.

17 Sec. 2. NEW SECTION. 91F.1 HOURS OF WORK - DAY OF REST.

18 An employer shall not require an employee, as those terms
19 are defined in section 91E.1, to work for a period of at least
20 twenty-four consecutive hours in each calendar week except as
21 provided by this chapter.

22 Sec. 3. NEW SECTION. 91F.2 EXCEPTIONS.

23 The following employees are not subject to the provisions
24 of this chapter:

25 1. Employees who perform duties requiring work on a daily
26 and continual basis not amenable to a twenty-four hour
27 cessation of work. Examples of employees under this
28 subsection include, but are not limited to, janitors,
29 employees of dairies and bakeries, and security personnel.

30 2. Employees needed to immediately respond to a work-
31 related emergency to prevent serious injury to a person,
32 damage to property, or suspension of necessary operations by
33 the employer but only during such time that an emergency
34 exists.

35 Sec. 4. NEW SECTION. 91F.3 PENALTIES -- ENFORCEMENT.

1 1. An employer who violates section 91F.1 is subject to a
2 civil penalty of up to one thousand dollars.

3 2. A corporate officer of an employer, who through
4 repeated violation of section 91F.1, demonstrates a pattern of
5 abusive employment practices, commits a serious misdemeanor.

6 3. An employer, who through repeated violation of section
7 91F.1, demonstrates a pattern of abusive employment practices,
8 may be ordered to pay a civil penalty of up to three thousand
9 dollars.

10 4. A violation of section 91F.1 shall be enforced pursuant
11 to section 91A.12.

12 Sec. 5. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF THE
13 COMMISSIONER.

14 1. The labor commissioner shall adopt rules to administer
15 and enforce this chapter and shall provide further exemptions
16 from the provisions of this chapter where reasonable.

17 2. In order to carry out the purposes of this chapter, the
18 labor commissioner or the commissioner's representative, upon
19 presenting appropriate credentials to the owner, operator, or
20 agent of an employer in charge, may do any of the following:

21 a. Inspect employment records relating to the hours of
22 work of employees.

23 b. Interview an employer, owner, operator, agent, or
24 employee, during working hours or at other reasonable times.

25 Sec. 6. NEW SECTION. 91F.5 COLLECTIVE BARGAINING
26 AGREEMENTS.

27 Compliance with the minimum standards required in this
28 chapter shall not be subject to or considered in collective
29 bargaining.

30

EXPLANATION

31 This bill provides that most hourly employees are entitled
32 to at least 24 consecutive hours of non-work time during each
33 calendar week. The bill establishes exceptions from this
34 requirement for certain emergency situations and for certain
35 employees needed on a continual daily basis. The bill

1 provides that a violation of this chapter is subject to a
2 \$1,000 civil penalty while repealed violations can constitute
3 a serious misdemeanor and subject the violator to a \$3,000
4 civil penalty. The bill further provides that enforcement is
5 to be done pursuant to the provisions of section 91A.12 and
6 that the labor commissioner shall adopt rules to implement the
7 requirements of this chapter and shall have access to employer
8 records in order to enforce the requirements of this chapter.
9 Finally, the bill provides that the requirements of this
10 chapter are not subject to collective bargaining.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35