

FEB 19 1997
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 287
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 287

1 Section 1. Section 91.4, subsection 5, Code 1997, is
2 amended to read as follows:

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

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

18 An employer shall allow an employee, as those terms are
19 defined in section 91E.1, a cessation of work for a period of
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 certain emergency situations and for certain employees needed
2 on a continual daily basis. The bill provides that an
3 employer in violation of this chapter is subject to a \$1,000
4 civil penalty while repeated violations can constitute a
5 serious misdemeanor and subject the violator to a \$3,000 civil
6 penalty. The bill further provides that a civil penalty for
7 violation of the new chapter shall be recovered pursuant to
8 Code section 91A.12 and that the labor commissioner shall
9 adopt rules to implement the requirements of the chapter and
10 shall have access to employer records in order to enforce the
11 requirements of the chapter. Finally, the bill provides that
12 the requirements of the chapter are not subject to collective
13 bargaining.

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

1 certain emergency situations and for certain employees needed
2 on a continual daily basis. The bill provides that an
3 employer in violation of this chapter is subject to a \$1,000
4 civil penalty while repeated violations can constitute a
5 serious misdemeanor and subject the violator to a \$3,000 civil
6 penalty. The bill further provides that a civil penalty for
7 violation of the new chapter shall be recovered pursuant to
8 Code section 91A.12 and that the labor commissioner shall
9 adopt rules to implement the requirements of the chapter and
10 shall have access to employer records in order to enforce the
11 requirements of the chapter. Finally, the bill provides that
12 the requirements of the chapter are not subject to collective
13 bargaining.

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