

3/3/97 Business and Labor

FILED MAR 3 - 1997

SENATE FILE 267
BY HAMMOND and DEARDEN

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

A BILL FOR

1 An Act requiring rest breaks during work for certain employees
2 and providing penalties.

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

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S.F. 267

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 REST BREAKS -- ACCESS TO
18 RESTROOMS.

19 An employer shall allow an employee, as those terms are
20 defined in section 91E.1, a paid fifteen-minute rest break
21 during every consecutive four-hour period of work. To
22 implement this requirement, an employer shall provide an
23 employee, at the work site, with reasonable access to restroom
24 facilities.

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

26 The provisions of this chapter shall not apply to employees
27 needed to immediately respond to a work-related emergency to
28 prevent serious injury to a person, damage to property, or
29 suspension of necessary operations by the employer but only
30 during such time that an emergency exists.

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

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

34 2. An employer, including a corporate officer of an
35 employer, who through repeated violations of section 91F.1,

1 demonstrates a pattern of abusive employment practices,
2 commits a serious misdemeanor.

3 3. An employer, who through repeated violations of section
4 91F.1, demonstrates a pattern of abusive employment practices,
5 may be ordered to pay a civil penalty of up to three thousand
6 dollars.

7 4. A civil penalty shall be recovered pursuant to the
8 provisions of section 91A.12.

9 Sec. 5. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF THE
10 COMMISSIONER.

11 1. The labor commissioner shall adopt rules to administer
12 and enforce this chapter and shall provide further exemptions
13 from the provisions of this chapter when reasonable.

14 2. In order to carry out the purposes of this chapter, the
15 labor commissioner or the commissioner's representative, upon
16 presenting appropriate credentials to the employer or agent of
17 the employer, may do any of the following:

18 a. Inspect employment records relating to rest breaks for
19 employees.

20 b. Interview an employer or agent of the employer, or
21 employee, during working hours or at other reasonable times.

22 Sec. 6. NEW SECTION. 91F.5 COLLECTIVE BARGAINING
23 AGREEMENTS.

24 Compliance with the minimum standards required in this
25 chapter shall not be subject to or considered in collective
26 bargaining.

27 EXPLANATION

28 This bill creates a new Code chapter 91F, which provides
29 that employees are entitled to a paid 15-minute rest break for
30 every consecutive four hours of work and that the employer
31 shall provide employees reasonable access to restrooms. The
32 bill establishes exceptions from this requirement for certain
33 emergency situations. The bill provides that an employer in
34 violation of this chapter is subject to a \$1,000 civil penalty
35 while repeated violations can constitute a serious misdemeanor

1 and subject the violator to a \$3,000 civil penalty. The bill
2 further provides that a civil penalty for violation of the new
3 chapter shall be recovered pursuant to Code section 91A.12 and
4 that the labor commissioner shall adopt rules to implement the
5 requirements of the chapter and shall have access to employer
6 records in order to enforce the requirements of the chapter.
7 Finally, the bill provides that the requirements of the
8 chapter are not subject to collective bargaining.

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