

MAR 12 1999

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE  
BY MURPHY

667

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:

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HF 667

1 Section 1. Section 91.4, subsection 5, Code 1999, 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 1. An employer who violates section 91F.1 is subject to a  
2 civil penalty of up to one thousand dollars.

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

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

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

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

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

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

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

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

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

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

31 **EXPLANATION**

32 This bill creates a new Code chapter 91F, which provides  
33 that most hourly employees are entitled to at least 24  
34 consecutive hours of non-work time during each calendar week.  
35 The bill establishes exceptions from this requirement for

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.

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