

House File 1

HOUSE FILE \_\_\_\_\_
BY McCARTHY, ABDUL-SAMAD, BAILEY,
BELL, BERRY, BUKTA, COHOON,
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WHITEAD, WINCKLER, WISE, and
ZIRKELBACH

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the state minimum hourly wage requirements and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1189HH 82
5 kh/gg/14

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1 1 Section 1. Section 91D.1, subsection 1, paragraphs a, b,
1 2 and d, Code 2007, are amended to read as follows:
1 3 a. The state hourly wage stated in the federal minimum
~~1 4 wage law, pursuant to 29 U.S.C. } 206, shall be increased to~~
~~1 5 \$3.85 on January 1 of 1990, \$4.25 on January 1 of 1991, and~~
~~1 6 \$4.65 on January 1 of 1992 at least \$6.20 as of April 1, 2007,~~
~~1 7 and \$7.25 as of January 1, 2008.~~

1 8 b. Every employer, as defined in the federal Fair Labor
1 9 Standards Act of 1938, as amended to January 1, 2007, shall
1 10 pay to each of the employer's employees, as defined in the
1 11 federal Fair Labor Standards Act of 1938, as amended to
1 12 January 1, 2007, wages of not less than the state hourly wage
1 13 stated in paragraph "a", or the current federal minimum wage,
1 14 pursuant to 29 U.S.C. } 206, or the wage rate stated in
~~1 15 paragraph "a" as amended, whichever is greater.~~

1 16 d. An employer is not required to pay an employee the
1 17 applicable minimum state hourly wage provided in paragraph "a"
1 18 until the employee has completed ninety calendar days of
1 19 employment with the employer. An employee who has completed
1 20 ninety calendar days of employment with the employer prior to
1 21 ~~January April 1 of 1990, 1991, or 1992, 2007, or January 1,~~
~~1 22 2008,~~ shall earn the applicable state hourly minimum wage as
1 23 of that date. An employer shall pay an employee who has not
1 24 completed ninety calendar days of employment with the employer
1 25 an hourly wage of at least ~~\$3.35 as of January 1 of 1990,~~
~~1 26 \$3.85 as of January 1 of 1991, and \$4.25 as of January 1 of~~
~~1 27 1992 \$5.30 as of April 1, 2007, and \$6.35 as of January 1,~~
~~1 28 2008.~~

1 29 Sec. 2. LABOR COMMISSIONER DIRECTIVE. If the commissioner
1 30 finds that an employer, as defined in the federal Fair Labor
1 31 Standards Act of 1938, as amended to January 1, 2007, has
1 32 failed to comply with the provisions of this Act prior to July
1 33 1, 2007, the commissioner shall enforce the provisions of this
1 34 Act pursuant to chapter 91A, but shall not impose liquidated
1 35 damages.

2 1 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 2 immediate importance, takes effect upon enactment.

2 3 EXPLANATION
2 4 This bill raises the state's hourly minimum wage to \$6.20
2 5 beginning April 1, 2007, and to \$7.25 beginning January 1,

2 6 2008. The state hourly minimum wage for employees serving a  
2 7 90-day training period is raised to \$5.30 on April 1, 2007,  
2 8 and to \$6.35 on January 1, 2008. The bill also directs the  
2 9 labor commissioner to enforce the provisions of the bill  
2 10 against employers discovered to be in noncompliance with these  
2 11 changes, but prohibits the imposition of liquidated damages  
2 12 for noncompliance prior to July 1, 2007.  
2 13 With the addition of the words "as amended to January 1,  
2 14 2007", following citations to the federal Fair Labor Standards  
2 15 Act of 1938, state minimum wage law will conform to federal  
2 16 law in terms of its applicability to employers and employees  
2 17 as of that date.  
2 18 The federal minimum wage laws have primacy over state  
2 19 minimum wage laws unless the state sets a higher minimum wage.  
2 20 The federal hourly minimum wage, which took effect September  
2 21 1, 1997, is \$5.15. The federal subminimum, or youth, wage for  
2 22 employees under 20 years of age during their first 90  
2 23 consecutive calendar days of employment with an employer is  
2 24 \$4.25 an hour.  
2 25 The bill takes effect upon enactment.  
2 26 LSB 1189HH 82  
2 27 kh:rj/gg/14.2