

House File 696 - Introduced

HOUSE FILE 696

BY KONFRST, FORBES,
BAGNIEWSKI, CAHILL,
CROKEN, WILSON, COOLING,
BAETH, LEVIN, TUREK,
STAED, AMOS JR., SCHEETZ,
KURTH, NIELSEN, BUCK,
WESSEL-KROESCHELL,
STECKMAN, MATSON, WILBURN,
JAMES, GAINES, MADISON,
JACOBY, KRESSIG, EHLERT,
BROWN-POWERS, B. MEYER,
SRINIVAS, ISENHART, OLSON,
and SCHOLTEN

A BILL FOR

1 An Act relating to enforcement of the Iowa wage payment
2 collection law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 91.4, Code 2023, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 7. The commissioner shall place a high
4 priority on investigation of possible violations of chapter 91A
5 and enforcement of chapter 91A.

6 Sec. 2. Section 91A.9, subsections 1 and 2, Code 2023, are
7 amended to read as follows:

8 1. The commissioner shall administer and enforce the
9 provisions of this chapter. The commissioner ~~may~~ shall hold
10 hearings and investigate charges of violations of this chapter.

11 2. The commissioner may, consistent with due process of law,
12 enter any place of employment to inspect records concerning
13 wages and payrolls, to question the employer and employees, and
14 to investigate such facts, conditions, or matters as are deemed
15 appropriate in determining whether any person has violated
16 the provisions of this chapter. ~~However, such entry by the~~
17 ~~commissioner shall only be in response to a written complaint.~~

18 Sec. 3. Section 91A.10, subsection 1, Code 2023, is amended
19 to read as follows:

20 1. Upon the written complaint of the employee involved, the
21 commissioner may determine whether wages have not been paid
22 and may constitute an enforceable claim. If for any reason
23 the commissioner decides not to make such determination, the
24 commissioner shall so notify the complaining employee within
25 fourteen days of receipt of the complaint. The commissioner
26 shall otherwise notify the employee of such determination
27 within a reasonable time ~~and if~~. The commissioner may make
28 such a determination based upon the commissioner's own
29 investigation and may initiate an investigation based on an
30 anonymous complaint or without receipt of a complaint. If
31 it is determined that there is an enforceable claim, the
32 commissioner shall, with the consent of the complaining or
33 affected employee, take an assignment in trust for the wages
34 and for any claim for liquidated damages without being bound
35 by any of the technical rules respecting the validity of the

1 assignment. However, the commissioner shall not accept any
2 complaint for unpaid wages and liquidated damages after one
3 year from the date the wages became due and payable.

4 Sec. 4. Section 91A.12, subsections 1 and 2, Code 2023, are
5 amended to read as follows:

6 1. Any employer who violates the provisions of this
7 chapter or the rules promulgated under it shall be subject to
8 a civil money penalty of not more than five hundred dollars
9 per pay period for each violation. The commissioner ~~may~~ shall
10 recover such civil money penalty according to the provisions
11 of [subsections 2 through 5](#). Any civil money penalty recovered
12 shall be deposited in the general fund of the state.

13 2. The commissioner ~~may~~ shall propose that an employer be
14 assessed a civil money penalty by serving the employer with
15 notice of such proposal in the same manner as an original
16 notice is served under the rules of civil procedure. Upon
17 service of such notice, the proposed assessment shall be
18 treated as a contested case under [chapter 17A](#). However, an
19 employer must request a hearing within thirty days of being
20 served.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to Code chapter 91A, the Iowa wage payment
25 collection law.

26 The bill requires the labor commissioner to place a high
27 priority on investigation of possible violations of Code
28 chapter 91A and enforcement of Code chapter 91A. The bill
29 strikes language providing that the commissioner shall only
30 enter a workplace to determine whether Code chapter 91A has
31 been violated in response to a written complaint. The bill
32 provides that the commissioner may make a determination
33 on whether Code chapter 91A has been violated based upon
34 the commissioner's own investigation and may initiate an
35 investigation based on an anonymous complaint or without

H.F. 696

1 receipt of a complaint. The bill modifies various provisions
2 relating to enforcement of Code chapter 91A by making
3 specified actions by the commissioner mandatory rather than
4 discretionary.