

12 locations and intervals, and in such manner as may be necessary for
 13 the protection of employees. In addition, where appropriate, any such
 14 standard shall prescribe the type and frequency of medical examina-
 15 tions or other tests which shall be made available, by the employer or
 16 at his cost, to employees exposed to such hazard in order to most effec-
 17 tively determine whether the health of such employee is adversely af-
 18 fected by such exposure. The results of such examinations or tests *shall*
 19 *be furnished to the commissioner, and* if released by the employee,
 20 shall be furnished to the employee's physician; *and* the employer's
 21 physician; ~~and the commissioner.~~

1 SEC. 2. Section eighty-eight point five (88.5), subsection seven (7),
 2 Code 1975, is amended to read as follows:

3 7. Special variance. Where there are conflicts with standards, rules
 4 promulgated by any federal agency other than the United States de-
 5 partment of labor, special variances from standards, rules promulgated
 6 under this chapter ~~shall~~ *may* be granted to avoid such regulatory con-
 7 flicts. Such variances shall take into consideration the safety of the em-
 8 ployees involved. Notwithstanding any other provision of this chapter,
 9 and with respect to this paragraph, any employer seeking relief under
 10 this provision must file an application therefor with the commissioner
 11 and the commissioner shall forthwith hold a hearing at which employ-
 12 ees or other interested persons, including representatives of the federal
 13 regulatory agencies involved, may appear and upon the showing that
 14 such a conflict indeed exists the commissioner ~~shall~~ *may* issue a special
 15 variance until the conflict is resolved.

1 SEC. 3. Section eighty-eight point fourteen (88.14), subsection three
 2 (3), Code 1975, is amended to read as follows:

3 3. Nonserious violations. Any employer who has received a cita-
 4 tion for a violation of the requirements of section 88.4, of any stan-
 5 dard, rule or order promulgated pursuant to section 88.5 or of
 6 regulations prescribed pursuant to this chapter and such violation is
 7 specifically determined not to be of a serious nature, may be assessed a
 8 civil penalty of up to one thousand dollars for each such violation; ~~but~~
 9 ~~no penalty shall be assessed for a violation of each such standard, rule~~
 10 ~~or regulation found during the first inspection.~~

Approved February 28, 1975

CHAPTER 89

LABOR COMMISSIONER WITNESSES

H. F. 228

AN ACT relating to the payment of witnesses by the labor commissioner.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-one point ten (91.10), Code 1975, is
 2 amended to read as follows:

3 **91.10 Power to secure evidence.** The labor commissioner and
 4 his deputy shall have the power to issue subpoenas, administer oaths,
 5 and take testimony in all matters relating to the duties required of
 6 them; ~~said testimony to be taken in some suitable place in the vicinity~~
 7 ~~to which testimony is applicable.~~ No witness shall be compelled by

8 such subpoena to go outside the county of his residence, except when
 9 the hearing is in a county adjoining the county of his residence, then
 10 he shall be required to obey such subpoena attend at a greater dis-
 11 tance than that provided for in section six hundred twenty-two
 12 point sixty-eight (622.68) of the Code. Witnesses subpoenaed and tes-
 13 tifying before the commissioner or an inspector his deputy shall be
 14 paid the same fees as witnesses before a justice's court under section
 15 six hundred twenty-two point sixty-nine (622.69) of the Code, such
 16 payment to be made out of the general funds of the state on voucher
 17 by the commissioner, but such expense for witnesses shall not exceed
 18 one hundred dollars annually appropriated to the bureau of labor.

Approved April 8, 1975

CHAPTER 90

IOWA WAGE PAYMENT COLLECTION LAW

H. F. 351

AN ACT relating to the payment of wages and expenses by an employer and providing a civil money penalty.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. **Short title.** This Act shall be known
 2 and may be referred to as the "Iowa Wage Payment Collection Law".

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act:
 2 1. "Commissioner" means the labor commissioner or a designee.
 3 2. "Employer" means any person, as defined in chapter four (4) of
 4 the Code, who in this state employs for wages a natural person.
 5 3. "Employee" means a natural person who is employed in this state
 6 for wages by an employer. Employee does not mean a licensed person
 7 employed on a contractual basis for professional services. For the pur-
 8 poses of this Act, the following persons engaged in agriculture shall not
 9 be deemed employees:
 10 a. The spouse of the employer and relatives of either the employer
 11 or spouse residing on the premises of the employer, and
 12 b. Any person engaged in agriculture as an owner-operator or ten-
 13 ant-operator and the spouse or relatives of either who reside on the
 14 premises while exchanging labor with the operator or for other mutual
 15 benefit of any and all such persons.
 16 4. "Wages" means compensation owed by an employer for:
 17 a. Labor or services rendered by an employee, whether determined
 18 on a time, task, piece, commission, or other basis of calculation.
 19 b. Vacation, holiday, sick leave, and severance payments which are
 20 due an employee under an agreement with the employer or under a
 21 policy of the employer.
 22 c. Any payments to the employee or to a fund for the benefit of the
 23 employee, including but not limited to payments for medical, health,
 24 hospital, welfare, pension, or profit-sharing, which are due an employ-
 25 ee under an agreement with the employer or under a policy of the em-
 26 ployer. The assets of an employee in a fund for the benefit of the
 27 employee, whether such assets were originally paid into the fund by an
 28 employer or employee, are not wages.