

CHAPTER 1270
WAGE COLLECTION
H.F. 540

AN ACT relating to chapter 91A.

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

Section 1. Section 91A.2, subsections 2 and 3, Code 1983, are amended to read as follows:

2. "Employer" means any a person, as defined in chapter 4, who in this state employs for wages a natural person. An employer does not include a client, patient, customer, or other person who obtains professional services from a licensed person who provides the services on a fee service basis or as an independent contractor.

3. "Employee" means a natural person who is employed in this state for wages by an employer. ~~Employee does not mean a licensed person employed on a contractual basis for professional services.~~ For the purposes of this chapter, the following persons engaged in agriculture ~~shall are not be deemed employees:~~

a. The spouse of the employer and relatives of either the employer or spouse residing on the premises of the employer, ~~and.~~

b. ~~Any A~~ person engaged in agriculture as an owner-operator or tenant-operator and the spouse or relatives of either who reside on the premises while exchanging labor with the operator or for other mutual benefit of any and all such persons.

c. Neighboring persons engaged in agriculture who are exchanging labor or other services.

Sec. 2. Section 91A.3, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A farm labor contractor who contracts with a person engaged in the production of seed or feed grains to remove unwanted or genetically deviant plants or corn tassels or to hand pollinate plants shall file with the commissioner a bond of at least twenty thousand dollars on behalf of the person engaged in the production of seed or feed grains, with a corporate surety approved by the commissioner, securing the payment of all wages due the employees of the farm labor contractor. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond. If the bond is not filed as required or if the farm labor contractor fails to pay all wages due the employees of the farm labor contractor, the person engaged in the production of seed or feed grains shall be liable to the employees for wages not paid by the farm labor contractor.

Sec. 3. Section 91A.10, subsection 5, Code 1983, is amended to read as follows:

5. An employer shall not discharge or in any other manner discriminate against any employee because ~~such~~ the employee has filed a complaint, assigned a claim, or brought an action under this section or has cooperated in bringing any action against an employer. Any employee may file a complaint with the commissioner alleging discharge or discrimination within thirty days after such violation occurs. Upon receipt of the complaint, the commissioner shall cause an investigation to be made to the extent deemed appropriate. If the commissioner determines from the investigation that the provisions of this subsection have been violated, the commissioner shall bring an action in the appropriate district court against such person. The district court shall have jurisdiction, for cause shown, to restrain violations of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to the former position with back pay.

Approved May 14, 1984