

**91A.2 Definitions.**

As used in [this chapter](#):

1. “*Commissioner*” means the labor commissioner or a designee.
  2. “*Days*” means calendar days.
  3. *a.* “*Employee*” means a natural person who is employed in this state for wages by an employer. Employee also includes a commission salesperson who takes orders or performs services on behalf of a principal and who is paid on the basis of commissions but does not include persons who purchase for their own account for resale.
    - b.* For the purposes of [this chapter](#), the following persons engaged in agriculture are not employees:
      - (1) The spouse of the employer and relatives of either the employer or spouse residing on the premises of the employer.
      - (2) 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.
      - (3) Neighboring persons engaged in agriculture who are exchanging labor or other services.
        - c.* For purposes of [this chapter](#), “*employee*” does not include an independent contractor as described in [section 85.61, subsection 11](#), paragraph “c”, subparagraph (3).
    4. “*Employer*” means 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.
    5. “*Health benefit plan*” means a plan or agreement provided by an employer for employees for the provision of or payment for care and treatment of sickness or injury.
    6. “*Liquidated damages*” means the sum of five percent multiplied by the amount of any wages that were not paid or of any authorized expenses that were not reimbursed on a regular payday or on another day pursuant to [section 91A.3](#) multiplied by the total number of days, excluding Sundays, legal holidays, and the first seven days after the regular payday on which wages were not paid or expenses were not reimbursed. However, such sum shall not exceed the amount of the unpaid wages and shall not accumulate when an employer is subject to a petition filed in bankruptcy.
    7. “*Wages*” means compensation owed by an employer for:
      - a.* Labor or services rendered by an employee, whether determined on a time, task, piece, commission, or other basis of calculation.
      - b.* Vacation, holiday, sick leave, and severance payments which are due an employee under an agreement with the employer or under a policy of the employer.
      - c.* Any payments to the employee or to a fund for the benefit of the employee, including but not limited to payments for medical, health, hospital, welfare, pension, or profit-sharing, which are due an employee under an agreement with the employer or under a policy of the employer. The assets of an employee in a fund for the benefit of the employee, whether such assets were originally paid into the fund by an employer or employee, are not wages.
      - d.* Expenses incurred and recoverable under a health benefit plan.
- [C77, 79, 81, §91A.2]  
[84 Acts, ch 1129, §2](#); [84 Acts, ch 1270, §1](#); [85 Acts, ch 119, §1](#); [86 Acts, ch 1124, §6, 7](#); [2020 Acts, ch 1069, §2](#)  
 Referred to in [§91B.1, 91B.2, 91E.1, 626.69](#)  
 Subsection 3 amended