

LABOR

IOWA HOUSE OF REPRESENTATIVES

END OF SESSION, 2009

- CHILD LABOR AND WAGE PAYMENT ENFORCEMENT** House File 618 will punish CEO's who break child labor laws with up to a year in jail and a \$10,000 fine. Raises fines from \$100 to \$500 for each instance that employers fail to pay employees. The bill also allows the labor commissioner to use federal documents to verify a child's age in order to get a child labor permit. A child labor law violation would be increased from a simple misdemeanor to a serious misdemeanor, which could mean a year in jail. (HF 618, Signed by Governor, Effective July 1, 2009)
- CIVIL SERVICE COMMISSION** HF 420 makes changes to the local civil service commission for fire fighters and police officers. The bill allows police or firefighters two years to find residency in Iowa if they are hired to work at an Iowa police or fire station. It allows cities to set up reasonable time and distance standards between where these employees work and live. It would stop an apparent conflict of interest of someone on the civil service commission by preventing them from selling or having a contract that furnishes or supplies material or labor to their city. (HF 420, Signed by Governor, Effective July 1, 2009)
- DELAY, DENIAL OR TERMINATION OF WORKERS' COMPENSATION BENEFITS** Senate File 478 reinforces the authority of the workers' compensation commissioner to impose penalties when an insurance carrier unreasonably denies, delays, or terminates indemnity benefits. The employer must conduct a reasonable investigation and evaluation into whether benefits were owed to the employee, whether there is an actual basis for the denial, and convey that reason to the employee. Right now, an employer can deny benefits and an employee has to sue just to find out why they have been denied benefits. (SF 478, Signed by Governor, Effective July 1, 2009)
- WAGE PAYMENT ENFORCEMENT AND EMPLOYER RETALIATION** Senate File 413 strengthens Iowa's wage payment law by increasing liquidated damages for employees when wages are unpaid. SF 413 requires that the employer must obtain a written authorization for certain deductions in advance, and establishes personal liability for certain corporate officers. By doing so, Iowa's law would then address the issue of a company going bankrupt and not paying employees and then forming a new company. The federal government in wage payment disputes already has this personal liability ability. The bill also protects whistle blowers of wage complaints. This is the second bill to address problems exposed in labor law due to the Postville incident. This bill also addresses wage payment problems exposed at Henry's Turkey Service in Atalissa. (SF 413 passed Senate, to House Labor Committee)

**MUNICIPAL WATER
UTILITY EMPLOYEES
INCLUDED UNDER CHAP-
TER 20, COLLECTIVE
BARGAINING**

A municipal water utility in Iowa recently agreed to a pay raise for their employees. However, the utility then unilaterally assessed the employee benefits to their retirement system without an agreement from the employees. SF 478 would address this issue by requiring that all retirement system established under the municipal utilities statute chapter 412 would not be a excluded from negotiations under Chapter 20. It also adds language that allows the council, board of waterworks trustees, or other board or commission to establish rules of operation. (SF 478, Signed by Governor, Effective July 1, 2009)

**AMUSEMENT RIDE
INSURANCE AND
ELEVATOR PLANS**

Senate File 318 increases insurance policy minimums needed for amusement ride insurance. It also directs the elevator safety board to adopt rules regarding the submission of plans, drawings and measurements for elevators. (SF 318, Signed by Governor, Effective July 1, 2009)

OTHER BILLS OF INTEREST

- HF 333 Requires the prevailing wage on public construction projects. (Lost 49-49 on House Floor, Motion to Reconsider Expired)
- HF 720 Boiler inspections for companies that have received Star Rated compliance under the OSHA Voluntary Protection Program. (Signed by Governor, Effective July 1, 2009)
- HF 795 Employee allowed to predesignate a doctor for workers' comp. injuries (Rereferred to Labor Committee)
- HF 821 Collective bargaining, Chapter 20 changes. (Rereferred to Appropriations Committee)
- SF 478 Clarifies out of state workers comp. injuries for employees living in Iowa. (Signed by Governor, Effective July 1, 2009)