

February 13, 1951.
Departmental Affairs.

House File 405
By SLOANE and RYAN.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to prohibit discriminatory practices in employment and in membership in labor unions based upon race, color, creed, national origin, or ancestry; to create a commission on job discrimination, prescribing its duties and powers; and for other purposes; and providing penalties for violation hereof.

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

1 Section 1. Findings and declaration of policy:

2 (a) Discrimination in public and private employment

3 on the grounds of race, creed, color, national origin, or

4 ancestry, with consequent arbitrary denial of job

5 opportunities to large groups of inhabitants of the state

6 of Iowa, foments strife, creates unrest, disturbances,

7 disorders and group tensions, and substantially and

8 adversely affects the general welfare and good order of

9 this state.

10 (b) Such job discrimination tends unjustly to

11 condemn large groups of inhabitants of this state to

12 depressed living conditions, which breed vice, ignorance,

13 disease, degeneration, juvenile delinquency and crime,

14 thereby causing grave injury to the public safety,

15 general welfare and good order of this state and
16 endangering the public health thereof.

17 (c) Such job discrimination and the resulting
18 effects on the community and the inhabitants thereof
19 tend to impose substantial financial burdens on the
20 public revenues for the relief and amelioration of
21 conditions so created.

22 (d) Experience has proved that legislative
23 enactment prohibiting such job discrimination removes
24 some of the sources of strife, unrest, poverty, disease,
25 juvenile delinquency and crime, and would directly
26 promote the general welfare and good order of Iowa.

27 (e) The right of every inhabitant of this state
28 to job opportunities without being subjected to such
29 job discrimination is hereby declared to be a civil right.

30 (f) This Act shall be deemed an exercise of the
31 power of this state, for the protection of the public
32 welfare and the health and peace of the inhabitants
33 thereof.

1 Sec. 2. Definitions

2 (a) The word "discriminate", "discriminates", or
3 "discrimination" wherever used in this Act, is hereby
4 defined and declared to mean and include discrimination
5 on the ground or because of race, creed, color, national
6 origin or ancestry.

7 (b) The word "employee", wherever used in this Act

8 is hereby defined and declared not to include an employee
9 in domestic service, or an employee of an organized
10 religious congregation or an institution limited in its
11 membership to persons of a single religious faith.

12 (c) The word "employer" wherever used in this Act
13 is hereby defined and declared to include only
14 employers of two (2) or more employees within the state of
15 Iowa.

1 Sec. 3. It shall be unlawful for any head of
2 department, official, or agent or employee of the state of
3 Iowa, or of any department thereof, acting for or on behalf
4 of said state, in any manner involving employment by said
5 state, to discriminate against any person otherwise
6 qualified, in employment or in tenure, terms or conditions
7 of employment; or to discriminate in promotion or increase
8 in compensation; or to publish offers of or to offer
9 employment based upon such discrimination; or to adopt or
10 enforce any rule or employment policy which discriminates
11 between employees or prospective employees; or to seek
12 information relative to race, creed, color, national
13 origin or ancestry from any person or any employees, as a
14 condition of employment, tenure, terms, or in connection
15 with conditions of employment, promotion or increase in
16 compensation, or to discriminate in the selection of personnel
17 for training.

1 Sec. 4. Said state and all of its contracting

2 agencies and departments thereof shall include in all
3 contracts hereafter negotiated a provision obligating the
4 contractor not to discriminate against any employee of or
5 applicant for employment with such contractor, and shall
6 require such contractor to include a similar provision in
7 all subcontracts.

1 Sec. 5. It shall be unlawful for any employer within
2 said state to discriminate against any person in connection
3 with any hiring, application for employment, tenure, terms
4 or conditions of employment.

1 Sec. 6. It shall be unlawful for any labor union
2 within said state to discriminate against any person with
3 respect to membership in labor union.

1 Sec. 7. The employment securities commission shall be
2 charged with the duties of effectuating the purposes and
3 policies of this Act; a subdepartment shall be created under
4 the direction of said employment securities commission
5 composed of one (1) deputy and such others as may be needed
6 who shall:

7 (a) Receive complaints of violations of this Act, and
8 investigate into the merits thereof.

9 (b) promote cooperation among all groups for the
10 purpose of effectuating the purposes and policies of this
11 Act.

12 (c) Conduct studies, surveys, and projects and
13 disseminate information concerning job discrimination and

14 related problems.

15 (d) Aid in the enforcement of this Act.

16 (e) The commission shall make reports of its activities
17 under this Act to the governor of Iowa annually or more often
18 as requested by said governor.

19 The commission shall hear all complaints on violations
20 and shall after said hearing certify and recommend to the
21 attorney general for prosecution those complaints which in
22 the judgment of said commission are deemed to be violations
23 of this Act.

24 Nothing in this section contained shall be construed
25 to limit the right of a complainant to make and file a
26 complaint without such certificate or recommendation by said
27 commission.

1 Sec. 8. Any person, whether acting in an official capacity,
2 or in a private capacity, who shall violate or fail to comply
3 with any of the provisions of this Act shall be guilty of a
4 misdemeanor, and shall be punished by fine not exceeding one
5 hundred dollars (\$100.00) or by imprisonment in the workhouse
6 for a period of not to exceed ninety (90) days.

1 Sec. 9. If any provisions of this Act or the application
2 of such provision to any person or circumstance shall be held
3 invalid, the remainder of such Act or the application of such
4 provision to persons or circumstances other than those to which
5 it has been held invalid shall not be affected thereby.

EXPLANATION OF H. F. 405

The constitution of the State of Iowa says: "All men are, by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness."

Full citizenship entitles all Americans, regardless of race, creed or national origin, to equality of opportunity—in securing useful employment, in enjoying equal access to education, housing, health and recreation services, transportation and other public and semipublic facilities.

It is unfortunate that many Iowa citizens, through restricting employment, violate the purpose and intent of this constitution.

It is believed this law should be adopted by the Fifty-fourth General Assembly in order to implement the desires of those who founded this commonwealth.