

February 28, 1963.
Passed on File. *Ind. & Human
relations 3/11*

House File 494
By STANLEY, EVELAND, DIETZ,
DENMAN and CAMP.

Passed House, Date..... Passed Senate, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to prescribe minimum wages for employees, to provide for the administration of the minimum wage provisions, and to provide for the enforcement of such provisions.

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

- 1 Section 1. When used in this Act:
- 2 1. "Commissioner" means the Iowa labor commissioner.
- 3 2. "Wage" means compensation due to an employee by reason of
4 his employment, payable in legal tender of the United States or
5 checks on banks convertible into cash on demand at full face
6 value, subject to such deductions, charges or allowances as may
7 be permitted by regulations of the commissioner under section
8 four (4) of this Act.
- 9 3. "Employ" includes to suffer or permit to work.
- 10 4. "Employer" includes any individual, partnership, associ-
11 ation, corporation, business trust, or any person or group of
12 persons acting directly or indirectly in the interest of an em-
13 ployer in relation to an employee.
- 14 5. "Employee" includes any individual employed by an employer
15 but shall not include:
 - 16 a. Any individual employed in agriculture;
 - 17 b. Any individual in domestic service in or about a private
18 home;
 - 19 c. Any individual employed in a bona fide executive, admin-
20 istrative, or professional capacity, as such terms are defined

21 and delimited by regulations of the commissioner;

22 d. Any individual employed by the United States, or by the
23 state or any political subdivision thereof; or

24 e. Any individual engaged in the activities of an educational,
25 charitable, religious, or nonprofit organization where the employ-
26 er-employee relationship does not in any fact exist or where the serv-
27 ices are rendered to such organization gratuitously.

28 6. "Occupation" means any occupation, service, trade, business,
29 industry, or branch or group of industries or employment or class
30 of employment in which employees are gainfully employed.

31 7. "Gratuities" means voluntary monetary contributions re-
32 ceived by an employee from a guest, patron, or customer for serv-
33 ices rendered.

1 Sec. 2. 1. From and after the effective date of this Act,
2 every employer shall pay to each of his employees wages at a rate
3 of not less than one (1) dollar an hour except as may be otherwise
4 provided under this Act.

5 2. Every employer of an employee engaged in any occupation
6 in which gratuities have customarily and usually constituted and
7 have been recognized as part of the remuneration for hiring pur-
8 poses shall be entitled to an allowance for gratuities as part of
9 the hourly wage rate provided in subsection one (1) of this
10 section in an amount not to exceed thirty (30) cents per hour,
11 provided the employee received in gratuities the amount claimed.
12 The commissioner may require each employer desiring an allowance
13 for gratuities to provide substantial evidence that the amount
14 claimed, which may not exceed thirty (30) cents per hour, was
15 received by the employee.

1 Sec. 3. The commissioner or his authorized representatives

2 shall have authority to require from such employer full and
3 correct statements in writing, including sworn statements, with
4 respect to wages, hours, names, addresses, and such other infor-
5 mation pertaining to his employees as the commissioner or his
6 authorized representatives may deem necessary or appropriate.

1 Sec. 4. For any occupation, the commissioner, after consul-
2 tation with the members of an advisory board appointed by him and
3 composed of an equal number of not more than three (3) represent-
4 atives each of employers and employees in the occupation and of
5 not more than three (3) disinterested persons representing the
6 public, shall make and revise such administrative regulations,
7 including definitions of terms, as he may deem appropriate to
8 carry out the purposes of this Act or necessary to prevent the
9 circumvention or evasion thereof and to safeguard the minimum wage
10 rates thereby established. Such regulations may include, but
11 are not limited to, regulations defining and governing outside
12 salesmen, learners and apprentices, their number, proportion, and
13 length of service; part-time pay; bonuses; overtime pay; special
14 pay for special or extra work; permitted charges to employees or
15 allowances for board, lodging, apparel, or other facilities or
16 services customarily furnished by employers to employees; allow-
17 ances for gratuities; or allowances for such other special con-
18 ditions or circumstances which may be usual in the particular
19 employer-employee relationship. Regulations or revisions thereof
20 issued by the commissioner pursuant to this section shall be
21 made only after a public hearing by the commissioner, subsequent
22 to publication of notice of the hearing, at which any person may
23 be heard. Such regulations or revisions shall, except as may
24 otherwise be provided by the commissioner, take effect upon pub-

25 lication. The commissioner may pay the members of an advisory
26 board as compensation for their services a reasonable per diem,
27 in accordance with such regulations as he may prescribe, for each
28 day on which they attended a meeting of the board or for each day
29 they spend in the work of the board, and may in addition reimburse
30 them for their necessary traveling expenses.

1 Sec. 5. The commissioner may provide by regulations, after
2 public hearing at which any person may be heard, for the employ-
3 ment in any occupation of individuals whose earning capacity is
4 impaired by age or physical or mental deficiency or injury at
5 such wages lower than the minimum wage rate provided in section
6 two (2) of this Act as he may find appropriate to prevent curtail-
7 ment of opportunities for employment, to avoid undue hardship,
8 and to safeguard the minimum wage rate under this Act. No em-
9 ployee shall be employed at wages fixed under this section except
10 under a special license issued under applicable regulations of
11 the commissioner.

1 Sec. 6. For any occupation, the commissioner may provide by
2 regulation, after a public hearing at which any person may be
3 heard, for the employment in such occupation of learners and
4 apprentices at such wages lower than the minimum wage rate pro-
5 vided in section two (2) of this Act as the commissioner may find
6 appropriate to prevent curtailment of opportunities for employment
7 and to safeguard the minimum wage rate under this Act. No em-
8 ployee shall be employed at wages fixed under this section except
9 under a special license issued under applicable regulations of
10 the commissioner.

1 Sec. 7. Every employer subject to any provisions of this Act
2 or of any regulation issued under this Act shall make, and keep

3 for a period of not less than five (5) years, in or about the
4 premises wherein any employee is employed, a record of the name,
5 address, and occupation of each of his employees, the rate of
6 pay, and the amount paid each pay period to each such employee,
7 the hours worked each day and each week by such employee,
8 and such other information as the commissioner shall prescribe
9 by regulation as necessary or appropriate for the enforcement
10 of the provisions of this Act or of the regulations thereunder.
11 Such records shall be open for inspection or transcription by the
12 commissioner or his authorized representative at any reasonable
13 time. Every such employer shall furnish to the commissioner or
14 to his authorized representative on demand a sworn statement of
15 such records and information upon forms prescribed or approved
16 by the commissioner.

1 Sec. 8. Every employer subject to any provision of this Act
2 or of any regulations issued under this Act shall keep a summary
3 of this Act, approved by the commissioner, and copies of any
4 applicable regulations issued under this Act, or a summary of
5 such regulations, posted in a conspicuous and accessible place
6 in or about the premises wherein any person subject thereto is
7 employed. Employers shall be furnished copies of such summaries
8 and regulations by the state on request without charge.

1 Sec. 9. 1. Any interested person in any occupation for which
2 any administrative regulation has been issued under the pro-
3 visions of this Act, who may be aggrieved by any such regulation,
4 may obtain a review thereof in the district court by filing in
5 such court within thirty (30) days after the date of publica-
6 tion of such regulation a written petition praying that the
7 regulation be modified or set aside. A copy of such petition

8 shall be served upon the commissioner. The finding of facts, if
9 supported by the evidence, shall be conclusive upon the court.
10 The court shall determine whether the regulation is in accordance
11 with law. If the court determines that such regulation is not
12 in accordance with law, it shall remand the case to the commis-
13 sioner with directions to modify or revoke such regulation. If
14 application is made to the court for leave to adduce additional
15 evidence by any aggrieved party, such party shall show to the
16 satisfaction of the court that such additional evidence is ma-
17 terial, and that there were reasonable grounds for the failure
18 to adduce such evidence before the commissioner. If the court
19 finds that such evidence is material and that reasonable grounds
20 exist for the failure of the aggrieved party to adduce such evi-
21 dence in prior proceedings, the court may remand the case to the
22 commissioner with directions that such additional evidence be
23 taken before the commissioner. The commissioner may modify the
24 findings and conclusions, in whole or in part, by reason of such
25 additional evidence.

26 2. Hearings in the district court on all appeals taken under
27 the provisions of this Act shall be privileged and take prece-
28 dence over all matters, except matters of the same character. The
29 jurisdiction of the court shall be exclusive and its judgment
30 and decree shall be final except that the same shall be subject
31 to review by the supreme court.

32 3. The commencement of proceedings under subsection one (1)
33 of this section shall not, unless specifically ordered by the
34 court, operate as a stay of an administrative regulation issued
35 under the provisions of this Act. The court shall not grant any
36 stay of an administrative regulation unless the person complaining

37 of such regulation shall file in the court an undertaking with
38 a surety or sureties satisfactory to the court for the payment
39 to the employees affected by the regulation, in the event such
40 regulation is affirmed, of the amount by which the compensation
41 such employees are entitled to receive under the regulation ex-
42 ceeds the compensation they actually receive while such stay is
43 in effect.

1 Sec. 10. 1. Any employer who hinders or delays the commis-
2 sioner or his authorized representatives in the performance of
3 his duties in the enforcement of this Act, or refuses to admit
4 the commissioner or authorized representative to any place of
5 employment, or fails to make, keep, and preserve any records as
6 required under the provisions of this Act, or falsifies any such
7 record accessible to the commissioner or his authorized represent-
8 ative upon demand, or refuses to furnish a sworn statement of
9 such record or any other information required for the proper en-
10 forcement of this Act to the commissioner or his authorized rep-
11 resentative upon demand, or fails to post a summary of this Act
12 or a copy of any applicable regulation as required by section
13 eight (8) of this Act, or pays or agrees to pay wages at a rate
14 less than the rate applicable under this Act, or otherwise
15 violates any provisions of this Act or of any regulation issued
16 under this Act shall be deemed in violation of this Act and
17 shall, upon conviction therefor, be fined not less than twenty-
18 five (25) dollars nor more than two hundred (200) dollars.

19 2. Any employer who discharges or in any other manner dis-
20 criminate against any employee because such employee has made
21 any complaint to his employer, to the commissioner or his author-
22 ized representative, that he has not been paid wages in accord-

23 ance with the provisions of this Act, or because such employee
24 has caused to be instituted or is about to cause to be instituted
25 any proceeding under or related to this Act, or because such em-
26 ployee has testified or is about to testify in any such proceed-
27 ing shall be deemed in violation of this Act and shall, upon
28 conviction therefor, be fined not less than twenty-five (25)
29 dollars nor more than two hundred (200) dollars.

1 Sec. 11. 1. Any employer who pays any employee less than
2 wages to which such employee is entitled under or by virtue of
3 this Act shall be liable to such employee affected for the full
4 amount of such wage rate, less any amount actually paid to such
5 employee by the employer, and for costs and such reasonable
6 attorney's fees as may be allowed by the court. Any agreement
7 between such employee and the employer to work for less than such
8 wage rate shall be no defense to such action.

9 2. At the written request of any employee paid less than the
10 wages to which he is entitled under or by virtue of this Act,
11 the commissioner may take an assignment of such wage claim in
12 trust for the assigning employee and may bring any legal action
13 necessary to collect such claim, and the employer shall be re-
14 quired to pay the costs and such reasonable attorney's fees as
15 may be allowed by the court.

1 Sec. 12. Any standards relating to minimum wages, maximum
2 hours, overtime compensation or other working conditions in
3 effect under any other law of this state on the effective date
4 of this Act, which are more favorable to employees than those
5 applicable to such employees under this Act or the regulations
6 issued thereunder, shall not be deemed to be amended, rescinded,
7 or otherwise affected by this Act but shall continue in full

8 force and effect and may be enforced as provided by law.

1 Sec. 13. Nothing in this Act shall be deemed to interfere
2 with, impede, or in any way diminish the right of employees to
3 bargain collectively with their employers through representatives
4 of their own choosing in order to establish wages or other con-
5 ditions of work in excess of the applicable minimum under the
6 provisions of this Act.

1 Sec. 14. If any provision of this Act, or the application
2 thereof to any person or circumstances, is held invalid, the
3 remainder of the Act and the application thereof to other persons
4 or circumstances shall not be affected thereby.

1 Sec. 15. This Act shall be known as the "Minimum Wage Act of
2 the State of Iowa".

EXPLANATION OF HOUSE FILE 494

This bill provides for a minimum wage rate of \$1, but does not include agricultural workers, domestics, managerial jobs or government employees.