

MAR 13 2001
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 596
BY MASCHER

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

A BILL FOR

1 An Act relating to child workers and child migrant workers and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 596

1 Section 1. NEW SECTION. 92.7A SIXTEEN AND SEVENTEEN --
2 HOURS PERMITTED.

3 Unless a person sixteen or seventeen years of age agrees
4 voluntarily to the employment hours, the person shall not be
5 employed with or without compensation, except as provided in
6 sections 92.2 and 92.3, before the hour of seven a.m. or after
7 nine p.m., except during the period from June 1 through Labor
8 Day when the hours may be extended to eleven p.m. If the
9 person is employed for a period of five hours or more each
10 day, an intermission of not less than thirty minutes shall be
11 given. The person shall not be employed for more than eight
12 hours in one day exclusive of intermission, and shall not be
13 employed for more than forty hours in one week, unless the
14 person voluntarily agrees to the employment hours. Unless the
15 person voluntarily agrees to the employment hours, the hours
16 of work of a person sixteen or seventeen years of age employed
17 outside school hours shall not exceed four in one day or
18 twenty-eight in one week while school is in session. The
19 employment of a person who is sixteen or seventeen years of
20 age shall not be terminated because the person refused to work
21 beyond the hours specified in this section.

22 Sec. 2. Section 92.11, subsection 2, paragraph c, Code
23 2001, is amended to read as follows:

24 c. In cases where none of the above-named proofs are
25 obtainable, a permanent resident card, employment
26 authorization card, or a certificate, signed by the local
27 medical-inspector-of-schools, or if there be no such
28 inspector, then by a physician appointed by the local board of
29 education, certifying that in the inspector's or physician's
30 opinion the applicant for the work permit is fourteen years of
31 age or more.

32 Sec. 3. Section 92.12, Code 2001, is amended to read as
33 follows:

34 92.12 MIGRANT LABOR PERMITS.

35 Every person, firm, or corporation employing migrant

1 laborers shall obtain and keep on file, accessible to any
2 officer charged with the enforcement of this chapter, a
3 special work permit, prior to the employment of such migratory
4 laborer. Special work permits for migrant workers shall be
5 issued by the superintendent of schools, or the
6 superintendent's designee, nearest the temporary living
7 quarters of the family, or by the county director of social
8 welfare or by the department of workforce development, upon
9 application of the parent or head of the migrant family. The
10 person authorized to issue such permits for migratory workers
11 shall not issue such permit until the person has received,
12 examined, and approved one of the following as evidence of
13 age: a birth certificate, passport, baptism certificate,
14 permanent resident card, employment authorization card, or
15 school record. Applicants under fourteen years of age must
16 obtain a certificate from a registered nurse or physician
17 stating that the applicant for the work permit has reached the
18 normal development of a child of the applicant's age and is in
19 sufficiently sound health and physically able to perform the
20 work for which the permit is sought. One copy of the permit
21 issued shall be given to the employer to be kept on file for
22 the length of employment and upon termination of employment
23 shall be returned to the labor commissioner. One copy of the
24 permit shall be kept by the issuing officer, and one copy
25 forwarded to the commissioner, along with the certificate of
26 fitness of the persons under fourteen years of age. The blank
27 forms for the work permit for migratory workers shall be
28 formulated by the commissioner and furnished by the
29 commissioner to the issuing officer.

30 Sec. 4. Section 92.20, Code 2001, is amended to read as
31 follows:

32 92.20 ~~PENALTY~~ PENALTY VIOLATIONS AND PENALTIES.

33 1. VIOLATIONS. The parent, guardian, or person in charge
34 of any migratory worker or of any child who shall engage in
35 any street occupation in violation of any of the provisions of

1 this chapter shall be guilty of a simple misdemeanor.

2 Any A person who furnishes or sells to any minor child any
3 article of any description when the person knows or should
4 have known that ~~said~~ the minor intends to sell in violation of
5 the provisions of this chapter, shall be guilty of a simple
6 misdemeanor.

7 Any other violation of this chapter for which a penalty is
8 not specifically provided, ~~shall be guilty of~~ is a simple
9 misdemeanor. Every day during which any violation of this
10 chapter continues shall constitute a separate and distinct
11 offense, and the employment of any person in violation of this
12 chapter shall, with respect to each person so employed,
13 constitute a separate and distinct offense.

14 2. CIVIL PENALTY. The labor commissioner may assess a
15 civil penalty of up to ten thousand dollars for any willful or
16 serious violation of this chapter. For other violations of
17 this chapter, the commissioner may also assess a civil penalty
18 of up to ten thousand dollars, but only after the commissioner
19 issues a written warning notifying a person of a violation of
20 this chapter and the violator commits a subsequent similar
21 violation.

22 The commissioner shall notify a violator of the proposed
23 assessment of a civil penalty or issue a written warning by
24 certified mail or in the same manner as service of original
25 notice. If the violator does not contest the assessment of
26 the civil penalty in a timely manner pursuant to chapter 17A,
27 the proposed assessment of the civil penalty shall become a
28 final order not subject to review by any court or agency. The
29 commissioner shall notify the department of revenue and
30 finance of the assessment of a civil penalty upon issuance of
31 a final order.

32 The commissioner may file a petition for enforcement with
33 the district court. In such a case, the clerk of court,
34 unless otherwise ordered by the court, shall immediately enter
35 a decree enforcing the penalty and shall transmit a copy of

1 the decree to the commissioner and to the violator. All civil
2 penalties collected pursuant to this section shall be
3 deposited in the general fund of the state.

4 EXPLANATION

5 This bill amends several sections of Code chapter 92
6 relating to child workers and child migrant workers. The bill
7 adds a new Code section 92.7A that applies to child workers
8 who are 16 or 17 years of age to provide that those persons
9 shall not work before 7 a.m. or after 9 p.m. except from June
10 1 through Labor Day and any time that the 16-year-old or 17-
11 year-old agrees to the extended hours. Children employed for
12 more than five hours at a time are entitled to a half-hour
13 intermission. When school is in session, a 16-year-old or 17-
14 year-old shall not work more than four hours a day or 28 hours
15 per week unless the child voluntarily agrees to longer hours.
16 A child's refusal to work longer hours shall not be a reason
17 for termination of that child's employment.

18 The bill also amends Code sections 92.11 and 92.12 to
19 provide that work permits of child migrant workers can be
20 obtained with proofs of a permanent resident card or an
21 employment authorization card or a certificate from a
22 physician that the child can work or is 14 years old.

23 The bill also amends Code section 92.20 to provide both
24 criminal and civil penalties for violations of Code chapter
25 92. Currently, this section only relates to criminal
26 penalties. A new paragraph allows the commissioner to impose
27 civil penalties of up to \$10,000 for any willful or serious
28 violation of Code chapter 92. The commissioner may also
29 impose a civil penalty of up to \$10,000 for any other
30 violation of Code chapter 92 if the commissioner first
31 notifies the violator that a violation has been committed and
32 the violator then commits a subsequent violation.

33 The commissioner must notify a person that a civil penalty
34 is to be imposed or issue a warning by certified mail, and the
35 penalty will become final unless the person contests the

1 penalty. The commissioner may also file a petition for
2 enforcement of the penalty in district court. Penalties
3 collected are to be deposited in the general fund of the
4 state.

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