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SENATE FILE 69

BY HAMMOND, DEARDEN, HARPER,
and BOLKCOM

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring rest and lunch breaks during work for certain
2 employees and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 69
BUSINESS & LABOR

1 Section 1. Section 91.4, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. The director of the department of workforce
4 development, in consultation with the labor commissioner,
5 shall, at the time provided by law, make an annual report to
6 the governor setting forth in appropriate form the business
7 and expense of the division of labor services for the
8 preceding year, the number of disputes or violations processed
9 by the division and the disposition of the disputes or
10 violations, and other matters pertaining to the division which
11 are of public interest, together with recommendations for
12 change or amendment of the laws in this chapter and chapters
13 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91F, 92,
14 and 94A, and sections 30.7 and 85.68, and the recommendations,
15 if any, shall be transmitted by the governor to the first
16 general assembly in session after the report is filed.

17 Sec 2. NEW SECTION. 91F.1 REST AND LUNCH BREAKS --
18 ACCESS TO RESTROOMS.

19 An employer shall allow an employee, as those terms are
20 defined in section 91E.1, a paid fifteen-minute rest break
21 during every consecutive four-hour period of work and a paid
22 thirty-minute lunch break during every consecutive eight-hour
23 period of work. To implement this requirement, an employer
24 shall provide an employee, at the work site, with reasonable
25 access to restroom and lunchroom facilities.

26 Sec. 3. NEW SECTION. 91F.2 EXCEPTIONS.

27 The provisions of this chapter shall not apply to employees
28 needed to immediately respond to a work-related emergency to
29 prevent serious injury to a person, damage to property, or
30 suspension of necessary operations by the employer but only
31 during such time that an emergency exists.

32 Sec. 4. NEW SECTION. 91F.3 PENALTIES -- ENFORCEMENT.

33 1. An employer who violates section 91F.1 is subject to a
34 civil penalty of up to one thousand dollars.

35 2. An employer, including a corporate officer of an

1 employer, who through repeated violations of section 91F.1,
2 demonstrates a pattern of abusive employment practices,
3 commits a serious misdemeanor.

4 3. An employer, who through repeated violations of section
5 91F.1, demonstrates a pattern of abusive employment practices,
6 may be ordered to pay a civil penalty of up to three thousand
7 dollars.

8 4. A civil penalty shall be recovered pursuant to the
9 provisions of section 91A.12.

10 Sec. 5. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF THE
11 COMMISSIONER.

12 1. The labor commissioner shall adopt rules to administer
13 and enforce this chapter and shall provide further exemptions
14 from the provisions of this chapter when reasonable.

15 2. In order to carry out the purposes of this chapter, the
16 labor commissioner or the commissioner's representative, upon
17 presenting appropriate credentials to the employer or agent of
18 the employer, may do any of the following:

19 a. Inspect employment records relating to rest breaks and
20 lunch breaks for employees.

21 b. Interview an employer or agent of the employer, or
22 employee, during working hours or at other reasonable times.

23 Sec. 6. NEW SECTION. 91F.5 COLLECTIVE BARGAINING
24 AGREEMENTS.

25 Compliance with the minimum standards required in this
26 chapter shall not be subject to or considered in collective
27 bargaining.

28 EXPLANATION

29 This bill creates a new Code chapter 91F, which provides
30 that employees are entitled to a paid 15-minute rest break for
31 every consecutive four hours of work and a paid 30-minute
32 lunch break for every consecutive eight hours of work. The
33 bill also requires the employer to provide employees
34 reasonable access to restrooms and lunchrooms. The bill
35 establishes exceptions from this requirement for certain

1 emergency situations. The bill provides that an employer in
2 violation of this chapter is subject to a \$1,000 civil penalty
3 while repeated violations can constitute a serious misdemeanor
4 and subject the violator to a \$3,000 civil penalty. The bill
5 further provides that a civil penalty for violation of the new
6 chapter shall be recovered pursuant to Code section 91A.12 and
7 that the labor commissioner shall adopt rules to implement the
8 requirements of the chapter and shall have access to employer
9 records in order to enforce the requirements of the chapter.
10 Finally, the bill provides that compliance with the
11 requirements of the chapter is not subject to collective
12 bargaining.

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