

Schuever
King
Hammond

1120
Business & Labor

Succeeded By
SENATE FILE (SE) HF 170
BY (PROPOSED COMMITTEE ON
BUSINESS AND LABOR RELATIONS
BILL BY CHAIRPERSON FREEMAN)

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

A BILL FOR

1 An Act relating to training requirements for certain child
2 laborers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 92.5, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10A. As an aide for, including, but not
4 limited to, dietary, environmental, housekeeping, or laundry
5 services, in a hospital, health care facility, or assisted
6 living program so long as the employee receives the minimum
7 hours of training set forth in the guidelines for isolation
8 precautions in hospitals promulgated by the centers for
9 disease control and prevention of the United States department
10 of health and human services, PB 96-138102, regarding
11 potential exposure to biological materials and biohazards and
12 applicable precautions necessary to be taken in connection
13 with the employment.

14 Sec. 2. Section 92.8, Code 2001, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 20A. Nothing in this section shall be
17 construed as prohibiting work as an aide for, including, but
18 not limited to, dietary, environmental, housekeeping, or
19 laundry services, in a hospital, health care facility, or
20 assisted living program so long as the employee receives the
21 minimum hours of training set forth in the guidelines for
22 isolation precautions in hospitals promulgated by the centers
23 for disease control and prevention of the United States
24 department of health and human services, PB 96-138102,
25 regarding potential exposure to biological materials and
26 biohazards and applicable precautions necessary to be taken in
27 connection with the employment.

28 Sec. 3. Section 92.9, Code 2001, is amended to read as
29 follows:

30 92.9 INSTRUCTION AND TRAINING PERMITTED.

31 1. The provisions of sections 92.8 and 92.10 shall not
32 apply to pupils working under an instructor in an industrial
33 arts department in the public schools of the state or under an
34 instructor in a school shop, or industrial plant, or in a
35 course of vocational education approved by the board for

1 vocational education, or to apprentices provided they are
2 employed under all of the following conditions:

3 1- a. The apprentice is employed in a craft recognized as
4 an apprenticeable trade.

5 2- b. The work of the apprentice in the occupations
6 declared particularly hazardous is incidental to the
7 apprentice's training.

8 3- c. The work is intermittent and for short periods of
9 time and is under the direct and close supervision of a
10 journeyman as a necessary part of apprentice training.

11 4- d. The apprentice is registered by the bureau of
12 apprenticeship and training of the United States department of
13 labor as employed in accordance with the standards established
14 by that department.

15 2. The provisions of section 92.8 shall not apply to any
16 person currently enrolled in a training program for nurses or
17 a training program for certified nursing assistants or aides
18 or to any person who has successfully completed such training.

19 EXPLANATION

20 This bill amends Code chapter 92 by providing that a person
21 who is 14 or 15 years of age can be employed as an aide in a
22 hospital, health care facility, or assisted living program so
23 long as that person receives training regarding potential
24 exposure to biological materials and biohazards and the
25 applicable precautions necessary in connection with the
26 person's employment as an aide.

27 The bill also amends Code section 92.9 to allow persons who
28 are under 18 years of age to enroll in a training program for
29 nurses, certified nursing assistants, or aides and to be
30 employed in those positions following successful completion of
31 the training program.

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REPRINTED

FILED FEB 13 '01

SENATE FILE 170
BY COMMITTEE ON BUSINESS
AND LABOR RELATIONS

(SUCCESSOR TO SSB 1120)

Passed Senate, Date ^(p. 131) 3-26-01 Passed House, Date _____
Vote: Ayes 27 Nays 20 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to training requirements for certain child
2 laborers and providing an effective date.

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

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SF 170

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2 the following new subsection:

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4 limited to, dietary, environmental, housekeeping, or laundry
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8 precautions in hospitals promulgated by the centers for
9 disease control and prevention of the United States department
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11 potential exposure to biological materials and biohazards and
12 applicable precautions necessary to be taken in connection
13 with the employment.

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15 following new subsection:

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17 construed as prohibiting work as an aide for, including, but
18 not limited to, dietary, environmental, housekeeping, or
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20 assisted living program so long as the employee receives the
21 minimum hours of training set forth in the guidelines for
22 isolation precautions in hospitals promulgated by the centers
23 for disease control and prevention of the United States
24 department of health and human services, PB 96-138102,
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26 biohazards and applicable precautions necessary to be taken in
27 connection with the employment.

28 Sec. 3. Section 92.9, Code 2001, is amended to read as
29 follows:

30 92.9 INSTRUCTION AND TRAINING PERMITTED.

31 1. The provisions of sections 92.8 and 92.10 shall not
32 apply to pupils working under an instructor in an industrial
33 arts department in the public schools of the state or under an
34 instructor in a school shop, or industrial plant, or in a
35 course of vocational education approved by the board for

1 vocational education, or to apprentices provided they are
2 employed under all of the following conditions:

3 1. a. The apprentice is employed in a craft recognized as
4 an apprenticeable trade.

5 2. b. The work of the apprentice in the occupations
6 declared particularly hazardous is incidental to the
7 apprentice's training.

8 3. c. The work is intermittent and for short periods of
9 time and is under the direct and close supervision of a
10 journeyman as a necessary part of apprentice training.

11 4. d. The apprentice is registered by the bureau of
12 apprenticeship and training of the United States department of
13 labor as employed in accordance with the standards established
14 by that department.

15 2. The provisions of section 92.8 shall not apply to any
16 person currently enrolled in a training program for nurses or
17 a training program for certified nursing assistants or aides
18 or to any person who has successfully completed such training.

19 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 EXPLANATION

22 This bill amends Code chapter 92 by providing that a person
23 who is 14 or 15 years of age can be employed as an aide in a
24 hospital, health care facility, or assisted living program so
25 long as that person receives training regarding potential
26 exposure to biological materials and biohazards and the
27 applicable precautions necessary in connection with the
28 person's employment as an aide.

29 The bill also amends Code section 92.9 to allow persons who
30 are under 18 years of age to enroll in a training program for
31 nurses, certified nursing assistants, or aides and to be
32 employed in those positions following successful completion of
33 the training program.

34 The bill takes effect upon enactment.

35

SENATE FILE 170**S-3113**

1 Amend Senate File 170 as follows:
2 1. Page 1, by striking lines 1 through 13 and
3 inserting the following:
4 "Section 1. Section 92.6, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 10. Health care provider
7 occupations involving routine exposure or handling of
8 blood borne pathogens."
9 2. Page 1, line 19, by inserting after the word
10 "services," the following: "notwithstanding section
11 92.8, subsection 18,".
12 3. Page 1, line 19, by inserting after the word
13 "hospital," the following: "hospice,".
14 4. Page 1, lines 20 and 21, by striking the words
15 "the minimum hours of training set forth in" and
16 inserting the following: "training consistent with".

By NEAL SCHUERER

S-3113 FILED FEBRUARY 27, 2001

WITHDRAWN 2/27/01 (p 443)

SENATE FILE 170**S-3118**

1 Amend Senate File 170 as follows:
2 1. Page 1, by striking lines 1 through 13 and
3 inserting the following:
4 "Section 1. Section 92.6, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 10. Health care provider
7 occupations involving routine exposure or handling of
8 blood borne pathogens."
9 2. Page 1, line 19, by inserting after the word
10 "hospital," the following: "hospice,".
11 3. Page 1, line 20, by inserting after the word
12 "as" the following: "such work does not violate the
13 provisions of section 92.8, subsection 18, and".
14 4. Page 1, lines 20 and 21, by striking the words
15 "the minimum hours of training set forth in" and
16 inserting the following: "training consistent with".

By NEAL SCHUERER

THOMAS FIEGEN

S-3118 FILED FEBRUARY 27, 2001

ADOPTED

2/27/01

(p 443)

SENATE FILE 170

S-3187

- 1 Amend Senate File 170 as follows:
2 1. Page 1, by inserting after line 13 the
3 following:
4 "Sec. ____ . NEW SECTION. 92.7A SIXTEEN AND
5 SEVENTEEN -- HOURS PERMITTED.
6 Unless a person sixteen or seventeen years of age
7 agrees voluntarily to the employment hours, the person
8 shall not be employed with or without compensation,
9 except as provided in sections 92.2 and 92.3, before
10 the hour of seven a.m. or after nine p.m., except
11 during the period from June 1 through Labor Day when
12 the hours may be extended to eleven p.m. If the
13 person is employed for a period of five hours or more
14 each day, an intermission of not less than thirty
15 minutes shall be given. The person shall not be
16 employed for more than eight hours in one day
17 exclusive of intermission, and shall not be employed
18 for more than forty hours in one week, unless the
19 person voluntarily agrees to the employment hours.
20 Unless the person voluntarily agrees to the employment
21 hours, the hours of work of a person sixteen or
22 seventeen years of age employed outside school hours
23 shall not exceed four in one day or twenty-eight in
24 one week while school is in session. The employment
25 of a person who is sixteen or seventeen years of age
26 shall not be terminated because the person refused to
27 work beyond the hours specified in this section."
28 2. Title page, line 1, by striking the word
29 "training".
30 3. By renumbering as necessary.

By JOHNIE HAMMOND

S-3187 FILED MARCH 19, 2001
LOST

(p.692)

SENATE FILE 170

S-3196

- 1 Amend Senate File 170 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. ____ Section 91D.1, subsection 1, paragraphs
5 a and d, Code 2001, are amended to read as follows:
6 a. The hourly wage stated in the federal minimum
7 wage law, pursuant to 29 U.S.C. § 206, shall be
8 increased to ~~-\$3.85~~ \$5.65 on January 1, ~~of 1990,~~ 2002,
9 ~~-\$4.25 on January 1 of 1991,~~ and ~~-\$4.65~~ to \$6.15 on
10 January 1, ~~of 1992~~ 2003.
11 d. An employer is not required to pay an employee
12 the applicable minimum wage provided in paragraph "a"
13 until the employee has completed ninety calendar days
14 of employment with the employer. An employee who has
15 completed ninety calendar days of employment with the
16 employer prior to January 1, ~~of 1990~~ 2002, 1991, or
17 ~~1992~~ January 1, 2003, shall earn the applicable hourly
18 minimum wage. An employer shall pay an employee who
19 has not completed ninety calendar days of employment
20 with the employer an hourly wage of at least ~~-\$3.35~~
21 \$5.15 as of January 1, ~~of 1990~~ 2002, ~~-\$3.85 as of~~
22 ~~January 1 of 1991,~~ and ~~-\$4.25~~ \$5.65 as of January 1, ~~of~~
23 ~~1992~~ 2003.
24 Sec. ____ Section 91D.1, subsection 2, Code 2001,
25 is amended by striking the subsection."
26 2. Title page, line 1, by inserting after the
27 word "to" the following: "labor laws administered by
28 the labor commissioner, including the minimum wage
29 and".
30 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3196 FILED MARCH 20, 2001
RULED OUT OF ORDER

(P. 133)

SENATE FILE 170

S-3198

1 Amend Senate File 170 as follows:

2 1. Page 2, by inserting after line 18 the
3 following:

4 "Sec. ____ Section 92.20, Code 2001, is amended to
5 read as follows:

6 92.20 ~~PENALTY VIOLATIONS AND PENALTIES.~~

7 1. VIOLATIONS. ~~The parent, guardian, or person in~~
8 ~~charge of any migratory worker or of any child who~~
9 ~~shall engage in any street occupation in violation of~~
10 ~~any of the provisions of this chapter shall be guilty~~
11 ~~of a simple misdemeanor.~~

12 ~~Any person who furnishes or sells to any minor~~
13 ~~child any article of any description when the person~~
14 ~~knows or should have known that said minor intends to~~
15 ~~sell in violation of the provisions of this chapter,~~
16 ~~shall be guilty of a simple misdemeanor.~~

17 ~~Any other violation of this chapter for which a~~
18 ~~penalty is not specifically provided, shall be guilty~~
19 ~~of is a simple misdemeanor. Every day during which~~
20 ~~any violation of this chapter continues shall~~
21 ~~constitute a separate and distinct offense, and the~~
22 ~~employment of any person in violation of this chapter~~
23 ~~shall, with respect to each person so employed,~~
24 ~~constitute a separate and distinct offense.~~

25 2. CIVIL PENALTY. The labor commissioner may
26 assess a civil penalty of up to ten thousand dollars
27 for any willful or serious violation of this chapter.
28 For other violations of this chapter, the commissioner
29 may also assess a civil penalty of up to ten thousand
30 dollars, but only after the commissioner issues a
31 written warning notifying a person of a violation of
32 this chapter and the violator commits a subsequent
33 similar violation.

34 The commissioner shall notify a violator of the
35 proposed assessment of a civil penalty or issue a
36 written warning by certified mail or in the same
37 manner as service of original notice. If the violator
38 does not contest the assessment of the civil penalty
39 in a timely manner pursuant to chapter 17A, the
40 proposed assessment of the civil penalty shall become
41 a final order not subject to review by any court or
42 agency. The commissioner shall notify the department
43 of revenue and finance of the assessment of a civil
44 penalty upon issuance of a final order.

45 The commissioner may file a petition for
46 enforcement with the district court. In such a case,
47 the clerk of court, unless otherwise ordered by the
48 court, shall immediately enter a decree enforcing the
49 penalty and shall transmit a copy of the decree to the
50 commissioner and to the violator. All civil penalties

S-3198

S-3198

Page 2

1 collected pursuant to this section shall be deposited
2 in the general fund of the state."

3 2. Title page, line 1, by striking the word
4 "training".

5 3. By renumbering as necessary.

By DICK L. DEARDEN

S-3198 FILED MARCH 20, 2001

Loat
3/26/01

(p. 829)

SENATE FILE 170

~~S-3200~~

1 Amend Senate File 170 as follows:

2 1. Page 2, by inserting after line 18 the
3 following:

4 "Sec. . NEW SECTION. 92.24 MINIMUM WAGE
5 REQUIREMENTS -- CHILD LABOR.

6 The hourly wage stated in the federal minimum wage
7 law, pursuant to 29 U.S.C. § 206, shall be increased
8 to six dollars and fifteen cents on January 1, 2002,
9 for any person under eighteen years of age who is
10 employed or permitted to work."

11 2. Title page, line 1, by inserting after the
12 word "training" the following: "and minimum wage".

13 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

Loat 3/26/01

S-3208 FILED MARCH 21, 2001

(p. 830)

1 Section 1. Section 92.6, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10. Health care provider occupations
4 involving routine exposure or handling of blood borne
5 pathogens.

6 Sec. 2. Section 92.8, Code 2001, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 20A. Nothing in this section shall be
9 construed as prohibiting work as an aide for, including, but
10 not limited to, dietary, environmental, housekeeping, or
11 laundry services, in a hospital, hospice, health care
12 facility, or assisted living program so long as such work does
13 not violate the provisions of section 92.8, subsection 18, and
14 the employee receives training consistent with the guidelines
15 for isolation precautions in hospitals promulgated by the
16 centers for disease control and prevention of the United
17 States department of health and human services, PB 96-138102,
18 regarding potential exposure to biological materials and
19 biohazards and applicable precautions necessary to be taken in
20 connection with the employment.

21 Sec. 3. Section 92.9, Code 2001, is amended to read as
22 follows:

23 92.9 INSTRUCTION AND TRAINING PERMITTED.

24 1. The provisions of sections 92.8 and 92.10 shall not
25 apply to pupils working under an instructor in an industrial
26 arts department in the public schools of the state or under an
27 instructor in a school shop, or industrial plant, or in a
28 course of vocational education approved by the board for
29 vocational education, or to apprentices provided they are
30 employed under all of the following conditions:

31 1- a. The apprentice is employed in a craft recognized as
32 an apprenticeable trade.

33 2- b. The work of the apprentice in the occupations
34 declared particularly hazardous is incidental to the
35 apprentice's training.

1 3- c. The work is intermittent and for short periods of
2 time and is under the direct and close supervision of a
3 journeyperson as a necessary part of apprentice training.

4 4- d. The apprentice is registered by the bureau of
5 apprenticeship and training of the United States department of
6 labor as employed in accordance with the standards established
7 by that department.

8 2. The provisions of section 92.8 shall not apply to any
9 person currently enrolled in a training program for nurses or
10 a training program for certified nursing assistants or aides
11 or to any person who has successfully completed such training.

12 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

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