

IOWA — State Laws by Topic

➤ AGE ◀

An individual who has reached the age of 18 cannot be excluded from an employment right because of an arbitrary age limitation. Employers with four or more employees are prohibited from setting such arbitrary age limitations, except where provided for by law.

Employers are also generally prohibited from posting help-wanted ads that include an age specification or preference. Such phrases and terms to be avoided in help-wanted ads, unless a *bona fide* occupational qualification exists, include, but are not limited to: “young,” “boy,” “girl,” “recent college grad,” and “retired person.”

Employers may make a pre-employment inquiry regarding the age of an applicant, provided that the inquiry is made in good faith for a non-discriminatory purpose.

➤ AIDS ◀

Discrimination: Under the Iowa Civil Rights Act, AIDS and AIDS-related conditions are protected disabilities.

Testing: Employers cannot require employees or job applicants to submit to an HIV test as a condition of continued or initial employment. Any employment agreement that is made in exchange for taking an HIV test is prohibited. An exception exists if the state determines that an individual with an AIDS-related condition poses a significant risk of transmission to others in a specific job.

➤ ARRESTS/CONVICTIONS ◀

No general provision prohibiting an employer’s collection and use of arrest or conviction records.

➤ BREAKS ◀

No provision.

➤ BREAST-FEEDING ◀

A woman may breast-feed her child in any public place where she is authorized to be present.

➤ **CHILD LABOR** ◀

Click on the following link <http://www.iowaworkforce.org/labor/childlabor.htm> for Iowa's Division of Labor Services home page for child labor law and work permits.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding 10 days after receipt of the order. Amounts withheld are remitted within seven business days after employee is paid. Notify the court or state agency promptly if the employee-obligor terminates.

No later than December 31, 2011, employers with at least 1,000 employees must remit withheld child support electronically. The electronic remittance threshold drops to employers with at least 500 employees, not later than December 31, 2012; and to employers with at least 200 employees, and employers with at least 100 employees and that use outside payroll processors, not later than December 31, 2013.

➤ **COURT ATTENDANCE** ◀

Employers may not discharge employees for taking leave to be a witness in response to a criminal subpoena.

➤ **DISABILITIES** ◀

It is an unlawful employment practice for an employer with four or more employees to refuse to hire, discharge, or otherwise discriminate against an individual — unless the discrimination is based on the nature of the employment — based on a non-job-related physical or mental disability.

It is also unlawful for an employer, on the basis of a non-job-related physical or mental disability, to advertise, or in any other manner indicate, that individuals with physical or mental disabilities are unwelcome, objectionable, not acceptable, or not solicited for employment, unless the discrimination is based on the nature of the employment.

➤ **DRUG TESTING** ◀

Iowa has a voluntary drug testing law. Employers that opt to have a drug or alcohol testing program must establish a detailed written policy that includes the following.

1. Uniform requirements for what disciplinary or rehabilitative actions the employer may take against an employee or prospective employee upon the receipt of a positive test result or his/her refusal to provide a sample.
2. A statement that any action the employer takes against the employee or prospective employee shall be based only on the results of the drug or alcohol test.

3. A provision that the employer shall not take any adverse action against the employee as long as he/she complies with rehabilitation requirements and successfully completes rehabilitation.

Note: Employers with 50 or more employees may be required to pay for rehabilitation under these conditions: an employee's alcohol concentration exceeds the level established by the policy; the employee is a first-time violator of the policy; the employee agrees to rehabilitation; and the employee has been employed by the employer for at least 12 of the preceding 18 months.

Employers with drug or alcohol testing programs may test under the following circumstances.

- Unannounced testing of workers randomly selected from pools of employees, with the exception of employees not subject to testing pursuant to a collective bargaining agreement and employees who are not scheduled to be at work at the time the testing is conducted, consisting of: 1) the entire employee population at a particular worksite; 2) the entire full-time active employee population at a particular worksite; or 3) all employees in a safety-sensitive position who are scheduled to be at work at the time testing is conducted.
- During and after completion of drug or alcohol rehabilitation.
- Upon reasonable suspicion, which may include direct observation of substance abuse or related impairment while at work; abnormal conduct or significant deterioration in performance; a credible report of alcohol or drug use; evidence of tampering with a drug test; evidence that an employee has caused an accident while at work resulting in sufficient injury or damage to require a report to OSHA; or evidence that an employee has made, sold, possessed, or used drugs while at work.
- Post-offer, but prior to the start of employment.
- As required by federal law or regulation or by law enforcement.
- In the investigation of workplace accidents that cause sufficient injury or damage to require a report to OSHA.

Employers must establish an awareness program to inform employees about the dangers of drug and alcohol use in the workplace and must:

1. inform employees of the benefits and services of an employee assistance program, if one exists within the company; or
2. maintain a resource file of alcohol and other certified drug abuse programs.

Notification: Drug or alcohol testing or retesting may only be carried out within the terms of a written policy that has been provided to every employee subject to testing and is available for review by employees and applicants.

➤ **FAMILIAL/MARITAL STATUS** ◀

No provisions specified in the general employment context.

➤ **FAMILY/MEDICAL LEAVE** ◀

See medical donation leave and pregnancy.

➤ **GENETIC TESTING** ◀

Employers may not directly or indirectly solicit, require, or administer a genetic test as a condition or privilege of employment; or affect the terms, conditions, or privileges of employment of any person who obtains a genetic test.

Any agreement between an employer and employee or job applicant offering employment in return for taking a genetic test is prohibited. However, an employee may give written consent to a genetic test for the investigation of a Workers' Compensation claim or for determining the employee's susceptibility to potentially toxic chemicals or substances in the workplace, if the employer does not terminate the employee or take any other action that adversely affects any term, condition, or privilege of his/her employment as a result of the genetic test.

No employer may retaliate against employees who, in good faith, file a complaint or testify in any proceeding involving violation of the genetic testing law.

➤ **HEALTH CARE CONTINUATION COVERAGE** ◀

Continuation coverage requirements generally apply to employers that provide group health insurance to employees. Eligible employees have the right to continue coverage for up to nine months.

Click on the following link <https://www.legis.iowa.gov/IowaLaw/AdminCode/adminLaw.aspx>, then click on "Iowa Administrative Code Current & Archive," then "Insurance Division [191]," then "Chapter 29 CONTINUATION RIGHTS UNDER GROUP ACCIDENT AND HEALTH INSURANCE POLICIES" to access the state law and applicable rules.

➤ **JURY DUTY** ◀

An employer shall not discharge, threaten, or coerce employees who receive notice to report and respond to notices to serve as jurors.

➤ **LIFESTYLE DISCRIMINATION** ◀

No provision.

➤ MASS LAYOFF NOTIFICATION ◀

Companies that employ 25 or more full-time employees must provide at least 30 days' written notice prior to the effective date of any mass layoff or business closing.

A mass layoff is defined as a reduction in employment force that is not the result of a business closing and results in an employment loss at a single site of employment during any 30-day period of 25 or more employees, other than part-time employees. **Note:** A part-time employee is defined as an individual who is employed for an average of fewer than 20 hours per week or an individual, including a full-time employee, who has been employed for fewer than six of the 12 months preceding the date on which notice is required.

A business closing is defined as the permanent or temporary shutdown of a single site of employment of one or more facilities or operating units that will result in an employment loss for 25 or more employees, other than part-time employees.

This notice requirement also applies to rolling layoffs if 25 employees are laid off in a 90-day period.

The notice must contain the name and address of the affected employment site; the name and telephone number of a company official to contact for further information; a statement as to whether the planned action is expected to be permanent or temporary; the schedule of employment losses; and the job titles of affected positions and the names and addresses of employees currently holding those jobs.

Notice must be provided to all affected employees or their representatives, and the Department of Workforce Development.

➤ MEDICAL DONATION LEAVE ◀

State employees are entitled to leave of up to five workdays to serve as a bone marrow donor and up to 30 workdays to serve as an organ donor. To be eligible for leave, an employee must submit written verification from the physician slated to perform the procedure verifying that the employee is, indeed, serving as a donor. Employees granted leave are entitled to receive their regular salary without interruption during the period of leave, and shall not lose vacation time, personal days, or sick leave.

➤ MILITARY LEAVE ◀

Private employers are required to grant leave to employees who are members of the National Guard or an organized service when they are called up for military service, without reducing their rights to employment benefits.

The period of absence for military leave is considered a leave of absence and may not adversely affect rights to vacation, sick leave, bonus, or other employment benefits.

A member of the National Guard or the organized reserves of the U.S. who is ordered to temporary active duty for training or for active service is entitled to a leave of absence from a non-temporary position during the period of active duty or service.

Reinstatement: Employees must be restored to the position held prior to the leave of absence or a position of like seniority, status, and pay. Employees must give evidence of satisfactory completion of the training or duty, and be qualified to perform the duties of the job.

Note: An employer is prohibited from discriminating against any officer or enlisted person of the National Guard, the organized reserves of the U.S. Armed Forces, or the civil air patrol because of their military status.

➤ **MINIMUM WAGE** ◀

Minimum hourly wage/overtime rate: \$7.25/\$10.88.

Basis for overtime: Over 40 hours/week.

Opportunity wage for under 20-year-olds: \$6.35.

Note: The state bases its minimum wage on the federal minimum wage. The state minimum may exceed federal minimum wage by a stated amount or percentage, or be adjusted to reflect cost of living increases.

➤ **NATIONAL ORIGIN** ◀

Employers are prohibited from discriminating against employees and applicants based on national origin.

For purposes of state law, an employer means an individual employing four or more workers in Iowa.

➤ **NEW-HIRE REPORTING** ◀

Data to be reported: Employee's name, address, SSN, date of birth; employer's name, address, federal EIN; whether employee has dependent health coverage available, date employee qualifies for coverage, address to which withholding orders should be sent; report independent contractors if employer files Form 1099-MISC or pays periodically.

Reporting deadline/form: Within 15 days of hire or rehire; on Form IA W4; Form CER for independent contractors.

➤ **OVERTIME** ◀

Basis for overtime: Over 40 hours in a workweek.

➤ **PAY STATEMENTS** ◀

Information required: On request, gross/net pay. Pay statements for exempt employees need not reflect hours worked. *Exception:* Employers that have established a policy or practice of paying exempts overtime, bonuses, or payments based on hours worked must provide pay statements showing hours worked or payments made.

➤ **PERSONNEL FILES** ◀

Both public and private employees are permitted access to evaluations, disciplinary records, and other information concerning employer/employee relations. An employee may not have access to employment references. Employers are allowed to charge employees a reasonable copying fee.

➤ **POLYGRAPH TESTING** ◀

Employers may not as a condition of employment, promotion, or change in status of employment, or as an expressed or implied condition of a benefit or privilege of employment, knowingly engage in any of the following.

1. Request or require that an employee or applicant take or submit to a polygraph examination.
2. Administer, cause to be administered, threaten to administer, or attempt to administer a polygraph examination to an employee or applicant.
3. Request or require that an employee or applicant give an express or implied waiver of a practice prohibited by this law.

Discrimination: Employers may not discharge, discipline, or discriminate against an employee who, acting in good faith, files a complaint or testifies in any proceeding or action involving polygraph-testing violations.

➤ **POSTING REQUIREMENTS** ◀

Unemployment Insurance (English & Spanish) — All employers

Minimum Wage (English & Spanish) — All employers

Safety & Health Protection on the Job (English & Spanish) — All employers

Note: The Iowa Workforce Development, Labor Services Division requires the Safety & Health Protection on the Job poster to be 8 1/2" x 14" (legal size).

Equal Employment Opportunity (English & Spanish) — Recommended

Fair Housing (English & Spanish) — All employers

No Hate Crimes (English & Spanish) — Recommended

➤ **PREGNANCY** ◀

Coverage: Pregnancy leave does not apply to: 1) any employer that regularly employs fewer than four individuals (individuals who are members of the employer's family are not counted as employees); 2) the employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein; 3) the employment of individuals to render personal services to the employer or members of the employer's family; or 4) any *bona fide* religious institution.

General rule: Disabilities caused by or contributing to an employee's pregnancy, miscarriage, childbirth, or recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment.

Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan — formal or informal — shall be applied to a disability due to pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

In addition, employers are prohibited from having a written or unwritten policy or practice that excludes applicants or employees from employment because of pregnancy. Employers may not terminate an employee disabled by pregnancy because of the pregnancy.

Length of leave: Where leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of a pregnant employee shall not refuse to grant the employee a leave of absence for the lesser of the period that the employee is disabled because of her pregnancy, childbirth, or related medical conditions; or eight weeks.

Notification: Employees must provide timely notice of the period of leave requested and employers must approve any change in the period requested before the change is effective.

Certification: Before granting the leave of absence, the employer may request that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

➤ **RACE** ◀

Employers are prohibited from discriminating against employees and applicants based on race or color.

For purposes of state law, an employer means an individual employing four or more workers in Iowa.

➤ **REFERENCES** ◀

Blacklisting: It is unlawful for an employer to prevent or attempt to prevent a discharged employee from obtaining new employment, except by furnishing upon request a written truthful statement as to the cause of the discharge. It is also unlawful for any company, partnership, or corporation to authorize or allow any agent to blacklist any discharged employee or any employee who may have voluntarily left the company's services.

References: An employer that provides work-related information about a current/former employee is immune from civil liability if the information is requested or authorized by the employee or requested by a prospective employer. Immunity is lost if the work-related information: 1) violates a civil right of the employee; 2) is knowingly provided to a person who has no legitimate interest in receiving the information; 3) is not relevant to the inquiry being made; or 4) is provided with malice or without a good-faith belief that it is true.

➤ **RELIGION** ◀

Employers are prohibited from discriminating against employees and applicants based on creed or religion.

For purposes of state law, an employer means an individual employing four or more workers in Iowa.

➤ **REPORTING PAY** ◀

No provision.

➤ **SAFETY** ◀

Click on the following link <http://www.iowaworkforce.org/labor/iosh/index.html> to access Iowa's Occupational Safety and Health Enforcement home page, which contains specific information about administrative rules.

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

Employers are prohibited from discriminating against employees and applicants based on sex.

For purposes of state law, an employer means an individual employing four or more workers in Iowa.

➤ **SEXUAL HARASSMENT** ◀

State employers must provide employees with a work environment free from sexual harassment, which is defined as persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

Under the Iowa Civil Rights Act, employers are prohibited from refusing to hire, discharging, or otherwise discriminating against an individual based on sexual orientation or gender identity.

The Act defines sexual orientation as an individual's actual or perceived heterosexuality, homosexuality, or bisexuality. Gender identity means a gender-related identity of a person, regardless of the person's assigned sex at birth. An employer is defined as having four or more employees.

➤ **SMOKING** ◀

The state's Smokefree Air Act prohibits smoking in enclosed public places and workplaces, with limited exceptions. Employers must communicate smoking prohibitions to all employees and all prospective employees upon application. Employers must also remove all ashtrays from areas where smoking is prohibited.

Signs containing the words "no smoking" or the international "no smoking" symbol must be clearly and conspicuously posted in and at every entrance in each public place and place of employment where smoking is prohibited. In addition, such signs must be placed in every vehicle that constitutes a public place or place of employment and must be visible from the exterior of the vehicle. All signs must contain the telephone number for reporting complaints, as well as the Department of Public Health's web address.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

No workplace-applicable provision.

➤ **UNEMPLOYMENT INSURANCE** ◀

Click on the following link <http://www.iowaworkforce.org/ui/> to access Iowa's Unemployment Insurance Services Division home page. For unemployment insurance tax information for employers and related tax forms, click on <http://www.iowaworkforce.org/ui/uiemployers.htm>.

➤ **VACATION PAY UPON TERMINATION** ◀

If vacation is due to an employee under an agreement with the employer or a policy of the employer establishing *pro rata* vacations, the amount of vacation pay due as wages on termination must be proportionate to the fraction of the year that the employee was actually employed.

Employers must, in most cases, pay the earned but unpaid vacation of a suspended or terminated employee no later than the next regular payday.

➤ **VIOLENCE** ◀

No general workplace violence provision.

➤ **VOTING** ◀

Employees are entitled to three consecutive hours to vote while the polls are open or the amount of work time that, when added to time available before or after work, will total three consecutive hours while polls are open. Employees may not be penalized for taking time off to vote. Employers will designate the period of time during which employees may take time off to vote.

Wages: Employers may not deduct from employees' regular salary or wages time taken off to vote.

Notification: Employees who need time off to vote must request the time off individually and in writing prior to Election Day.

➤ **WAGE DEDUCTIONS** ◀

Deductions are not allowed unless: 1) required or permitted by federal or state law or by court order; or 2) authorized in writing by the employee for any lawful purpose accruing to the benefit of the employee.

➤ WAGE GARNISHMENT ◀

The maximum subject to garnishment depends on how much the employee earns. For employees whose annual earnings aren't reasonably expected to exceed \$12,000, the maximum that may be withheld under a creditor garnishment order is \$250. For employees whose annual earnings are reasonably expected to exceed \$12,000, the maximum amounts are as follows:

- for earnings up to \$15,999.99 — up to \$400 may be withheld;
- for earnings up to \$23,999.99 — up to \$800 may be withheld;
- for earnings up to \$34,999.99 — up to \$1,500 may be withheld;
- for earnings up to \$49,999.99 — up to \$2,000 may be withheld;
- for earnings of \$50,000 and greater — up to 10% of expected earnings may be withheld.

Employers may not terminate an employee because his/her disposable pay is subject to a creditor garnishment.

For each employee whose wages are subject to a creditor garnishment, employers must deliver the notice of the garnishment to the employee with the remainder of, or in lieu of, his/her wages. Employers must state in their answer to the sheriff's examination whether they have delivered this notice to the employee.

➤ WAGE PAYMENT ON TERMINATION ◀

Employee who quits: No regulations. Final wages should be paid according to regular payday rules.

Employee who's fired: Next payday.

➤ WAGE PAYMENTS ◀

Payday requirements: Biweekly, semimonthly, or monthly on regular, predesignated paydays.

Direct deposit: Employers may not require employees to be paid electronically. Employee consents in writing, chooses bank. May be mandatory for new hires, if participation doesn't reduce their pay to below minimum wage or cut into overtime pay. **Note:** Once a new hire comes on board, he/she is a current employee who can opt out of direct deposit.

➤ WHISTLEBLOWING ◀

Provisions apply to state employees only.

➤ **WORK AUTHORIZATION** ◀

No general provision.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link <http://www.iowaworkforce.org/wc/index.html> to access Iowa's Division of Workers' Compensation home page. For compliance requirements under the Iowa Workers' Compensation Act, click on <http://www.iowaworkforce.org/wc/compliance/compliance.htm>.