



Iowa

# Human Resources LEGAL FACT SHEET

*Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in May 2018, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## ARE THERE IOWA STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

### WAGES

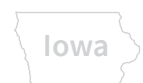
TOPIC	ANSWER	DETAILS
Payday <sup>1</sup>	YES	Must designate regular payday in advance, at least monthly, semimonthly, or biweekly. The paydays need to be at consistent intervals from each other. Exceptions can be made to these rules if the employer/employee have a written contract that specifies a different payment frequency.
Final Pay <sup>2</sup>	YES	Employees that quit, are fired, or otherwise terminated must be paid on the next regular payday.
Overtime	NO	Iowa law does not govern overtime pay; federal rules may apply. Employers are encouraged to review the federal fact sheet.
Minimum Wage <sup>3</sup>	YES	<u>\$7.25 per hour</u> The exemptions for Iowa minimum wage laws are the same as for federal minimum wage, except that the gross sales threshold is \$300,000 in the last calendar year (not the federal threshold of \$500,000).
Hours Worked <sup>4</sup>	YES	In determining the total hours worked for minimum wage purposes, must include all time the employee is required to be on the premises or on duty (and not completely relieved of all job duties during a meal or sleep period) and all the time the employee is required/allowed to work. Iowa also generally looks to federal guidance, so employers are encouraged to review the federal fact sheet.
Reporting Time Pay	NO	Iowa law does not require reporting time pay, i.e. an employee is only required to be paid for actual hours worked.
Pay Stub <sup>5</sup>	YES	<u>Must provide a statement</u> on each payday showing: <ul style="list-style-type: none"> <li>Hours worked (for employees exempt from federal overtime, hours worked is only required to be listed if the employee/employer have agreed on some payment of overtime or bonus based on hours worked)</li> <li>Wages earned</li> <li>Deductions made</li> </ul> Employers also must provide, within ten days of an employee's request, a written explanation of how wages and deductions are computed, including earnings and deductions from wages.



# WAGES

(Continued)

TOPIC	ANSWER	DETAILS
Taxes and Withholding <sup>6</sup>	YES	<p>You are required to <u>withhold Iowa income tax</u> if you are also required to withhold federal income taxes. You must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>You must pay <u>Iowa Unemployment Insurance</u> taxes if:</p> <ul style="list-style-type: none"> <li>• You paid cash wages to farm workers of \$20,000 or more in a quarter in the previous or current calendar year; OR,</li> <li>• You employed ten or more farm workers for some part of a day in 20 or more weeks in the previous or current calendar year.</li> </ul> <p>Family employment is excluded from coverage requirements (a parent employed by their son/daughter, a person employed by their spouse, or a child under 18 employed by a parent). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Iowa in calculating how much you owe for federal unemployment taxes.</p>
Deductions <sup>7</sup>	YES	<p>Deductions required by law or courts (for ex. tax withholdings) do not require written authorization from the employee. Deductions for the benefit of the employee are allowed with written authorization from the employee (for example, insurance premiums, 401K, savings programs, etc.).</p> <p>Deductions that are not allowed include those for:</p> <ul style="list-style-type: none"> <li>• Cash shortages</li> <li>• Losses due to breakage or damage, unless due to employee's willful or intentional disregard</li> <li>• Lost or stolen property, unless the property was specifically assigned to the employee and receipt was acknowledged in writing</li> <li>• PPE in most cases</li> <li>• Moving costs of more than \$20</li> <li>• Losses due to the employee's acceptance of checks on the employer's behalf that are subsequently dishonored if the employee has discretion to accept or reject such checks and did not abuse that discretion</li> </ul> <p>Deductions for destroyed/damaged equipment are only allowed with written authorization from the employee. Employees cannot be required to pay the cost of a pre-employment medical examination required as a condition of employment.</p> <p>Iowa deduction laws do not apply to the following people working in agriculture: spouse of the employer, neighbors exchanging labor/services, relatives who reside on the premises of the owner-operator or tenant-operator.</p> <p><b>Meals, Lodging, and other Facilities</b></p> <p>The reasonable cost of meals and lodgings can be considered a form of wages (considered payment in kind) and count toward the minimum wage. Reasonable cost generally means the cost to the employer to provide it – not the fair market value. Records need to be kept that show the cost of furnishing the meals, lodging, and other facilities. Iowa rules draw from federal guidance on the issues of reasonable cost, customarily furnished, and other definitions – so employers are encouraged to review the federal fact sheet.</p>
Bonuses	YES/NO	<p>Bonuses are not explicitly addressed in Iowa wage laws. Generally, discretionary bonuses are not considered wages, while nondiscretionary bonuses paid under an agreement can be considered wages.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p>



# RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll <sup>8</sup>	YES	<p>Employers with any employees subject to the Iowa minimum wage law must keep certain payroll records. The following must be kept and maintained for at least three years:</p> <ul style="list-style-type: none"> <li>• Name and any identifying number used on any time, work, or payroll records</li> <li>• Home address</li> <li>• DOB if under 19</li> <li>• Time of day and day of week the workweek begins</li> <li>• Rate and basis of pay (i.e. per hour, per week, etc.)</li> <li>• Hours worked each workday and total hours each workweek</li> <li>• Total daily or weekly straight-time earnings, or wages due for hours worked exclusive of premium overtime compensation</li> <li>• Additions or deductions for each pay period, and a description of them</li> <li>• Total wages paid each pay period</li> <li>• Day of payment and pay period covered by the payment</li> </ul> <p>For employees that work on a fixed weekly schedule, the records can show the normal daily/weekly schedule and indicate any weeks where there was a deviation.</p> <p>Additionally, employers should keep for three years any collective bargaining agreements, a record of their total volume of sales, and total volume of goods purchased/received in the normal way they maintain records in the course of business.</p> <p>For a period of two years, employers also need to keep:</p> <ul style="list-style-type: none"> <li>• All time and earning cards/sheets where employees enter daily start and stop time (either for each individual employee, each workforce)</li> <li>• Wage rate tables</li> <li>• Order, shipping, and billing records</li> <li>• Records of anything used to determine the original cost, depreciation, etc. for additional and deductions from wages</li> </ul> <p>The above records need to be kept safe and accessible at the workplace, or a central record-keeping office. If kept at a central office, need to be made available at the workplace within 72 hours of a notice from the Division of Labor. The records must be available for inspection and copying by the Division of Labor.</p> <p>If you are on the edge of the “500-day” threshold test, you may need to keep records just in case. <a href="#">See Section 875-216.33 for more information.</a></p>
Personnel Files – Employee Access <sup>9</sup>	YES	<p>Employees must have access to and be permitted to get a copy of their personnel file maintained by the employer that can include performance evaluations, disciplinary records, etc. An employee shall not have access to employment references written for the employee.</p> <p>The employer and employee can agree on a time that works best for access. The employer can charge a reasonable fee for making copies. And the employee cannot have access to references written about/for the employee.</p>
Unemployment Insurance <sup>10</sup>	YES	<p>Employers subject to contributions must submit <a href="#">quarterly wage reports</a>.</p> <p>Whether or not subject to paying Unemployment Insurance taxes, every employer hiring individuals in Iowa must maintain accurate payroll records showing the following for each employee:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• SSN</li> <li>• Date hired, rehired, or returned to work after temporary layoff</li> <li>• Schedule hours, except for those without a fixed schedule</li> <li>• Total wages paid in each pay period and date of payment. Show separately money wages and the cash value of other remuneration (bonuses, gifts, prizes, etc.)</li> <li>• State or states where the work was performed (additional records may be needed if there was work done for the employer outside of the state)</li> <li>• Address of the physical worksite(s)</li> </ul> <p>Employers with more than one physical location must maintain these records by location. These records must be kept for five years after the calendar year in which the wages were paid. Records must be open to inspection / copying by the IWD Operations Division.</p>



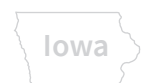
## RECORD KEEPING

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TOPIC	ANSWER	DETAILS
Workers' Compensation <sup>11</sup>	YES	Employers must keep a record of all work-related injuries, including fatalities, that result in incapacity for a period longer than one day. Additionally, the Division of Workers' Compensation has the right to inspect books, records, and payrolls to confirm wage expenditures, number of persons employed, or any other information needed to carryout the administration of Workers' Compensation coverage.
OSHA <sup>12</sup>	YES	Employers must comply with the federal OSHA recordkeeping standard. See the federal fact sheet for details.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

## WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms <sup>13</sup>	YES	Iowa has incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	<u>No max hour or day requirements</u> for adults. See Child Labor (above) for maximum hours for minors.
Rest and Meal Breaks	NO	<u>Iowa law does not require rest or meal breaks</u> for adults. Employers that choose to provide rest and meal breaks must follow the applicable federal rules. Refer to federal fact sheet. See Child Labor (above) for rules for minors.
Labor Relations	NO	No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection	YES/NO	Iowa law does not provide a general protection for private sector employees in whistleblower cases. However, topic-specific laws (like wage discrimination, wage laws, etc.) may protect employees that report unlawful practices. And specific employee disclosures (for example, OSHA-related violations) are protected from retaliation.
Paid Sick and Vacation Leave	NO	<u>Not required under Iowa law.</u> Employers who choose to provide such benefits should follow their written policy.
Breaks for Nursing Mothers	NO	Iowa law does not address workplace accommodations for employees that are nursing, but there may be requirements under federal law. Employers should refer to the federal fact sheet.
Pregnancy Accommodations and Leave <sup>14</sup>	YES	Disabilities stemming from an employee's pregnancy, miscarriage, childbirth, legal abortion, or recovery from any of these conditions, must be treated the same as other temporary disabilities for insurance and leave-related purposes. If the employee does not have sufficient leave under health/ temporary disability insurance or a sick leave plan, the employer must grant the employee a leave of absence of up to 8 weeks when requested for any disability or related medical condition caused by or related to pregnancy, miscarriage, abortion, childbirth, and recovery. An employer cannot terminate employment because of an employee's pregnancy. These laws apply to employers with four or more employees.
Family and Medical Leave	NO	Iowa has not enacted additional family, medical, or parental leave laws that apply to employees in the private sector. Federal law requiring unpaid leave may apply depending on the size of the employer. Employers should refer to the federal fact sheet.



## WORKING CONDITIONS

(Continued)

TOPIC	ANSWER	DETAILS
Jury Duty Leave <sup>15</sup>	YES	Employers cannot threaten, coerce, or terminate an employee who receives notice to report to jury duty, responds to jury duty notice, serves as juror, or attends court for prospective juror service. An employer is not required to pay an employee for jury duty leave, but the employer must be consistent in following any policy or past practice relating to paying employees on jury duty.
Crime Victim and Witness Leave <sup>16</sup>	YES	An employee may take witness leave to serve as a witness in a criminal proceeding; or as a plaintiff, defendant or witness in a civil proceeding.
Military and other Service Leave <sup>17</sup>	YES	Any officer or enlisted person of the National Guard, US armed forces reserves or civil air patrol ordered to temporary active duty or service has a valid leave reason under the statute.
Voting Leave <sup>18</sup>	YES	Employees must be given an amount of time that, in addition to the person's nonworking time, totals three consecutive hours during the time that polls are open. Employees must request the leave in advance in writing; and the employer must respond with the period of time to be taken as voting leave.
School Activity Leave	NO	Iowa law does not address leave for private sector employees to attend a child's school activity.

## HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday/ Pay Rate <sup>19</sup>	YES/NO	Only for employers required to by the Division of Labor – usually only if there have been issues with wage law compliance in the past. For those employers, must notify employees in writing at the time of hire of the regular payday and the wage rates. Must also let them know of any changes in wages or paydays at least one pay period prior to the change.
Reporting <sup>20</sup>	YES	<u>New hires</u> and rehires must be reported to the Centralized Employee Registry within 15 days.

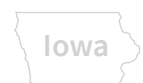
## CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor <sup>21</sup>	YES	<p>Iowa <u>child labor laws</u> do not apply to minors working for their parents or part-time work in agriculture (less than 20 hours a week).</p> <p>Work permit required if under 16.</p> <p>Minimum age:</p> <ul style="list-style-type: none"> <li>• During school hours: 16</li> <li>• Outside school hours: 14</li> </ul> <p><u>Max hours:</u></p> <ul style="list-style-type: none"> <li>• Under 16: 4 hours per day on school days, up to 28 hours per week when school is in session. 8 hours per day on non-school days, up to 40 hours per week when schools is not in session. Cannot work before 7am or after 7pm from Labor Day through May 31st. Hours extended to 9pm during June 1 to Labor Day.</li> <li>• 16 or over: No maximum specified</li> </ul> <p>Minors under 16 must be given a rest period of at least 30 minutes when working five hours in one day. The break can be unpaid.</p> <p>There are <u>restricted and prohibited occupations</u> for workers under 18.</p>



# HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination <sup>22</sup>	YES	<p>Iowa <a href="#">law prohibits employment discrimination</a> based on race, creed, color, sex, sexual orientation, gender identity, national origin, religion, physical or mental disability, pregnancy, childbirth, age, genetic information, HIV testing, polygraph testing (excludes police or corrections officers). Applies to employers with 4 or more employees (family does not count as employees).</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Harassment/ Sexual Harassment	YES	<p>Sexual harassment is generally considered a form of employment discrimination based on gender (though not explicitly stated in Iowa law). Sexual harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• <i>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</i></li> <li>• <i>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</i></li> <li>• <i>The conduct interferes with an employee’s work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</i></li> </ul> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Forced Labor <sup>23</sup>	YES	<p>Human trafficking is illegal in Iowa. Trafficking for labor means: recruiting, harboring, transporting, provisioning, or obtaining of a person by any means for subjection to forced labor, forced services, debt bondage, or slavery. <a href="#">More details.</a></p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>



# HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
Workers' Compensation <sup>24</sup>	YES	<p>Agricultural employers with cash wages of \$2,500 or more to one or more employee in the last calendar year must have workers' compensation coverage. There are exemptions from coverage for family (spouse of the employer; parents, brothers, sisters, children, and stepchildren of either the employer or the spouse of the employer; and the spouses of the brothers, sisters, children, and stepchildren of either the employer or the spouse of the employer). Additional exemptions are <a href="#">on page 2, Iowa Code 85</a>.</p> <p>Employers (or their insurance carrier) <b>must report any work-related injury</b> or illness which temporarily disables an employee for more than three days, or any that results in permanent disability (total or partial), or death. The report must be made within four days to the Iowa Division of Workers' Compensation.</p> <p>Employers (or their insurance carriers) are <b>responsible for the following reports</b>:</p> <ul style="list-style-type: none"> <li>• <i>First report of injury (FROI).</i></li> <li>• <i>Subsequent report of injury (SROI).</i></li> <li>• <i>Annual report on every claim that is open on June 30 each year. The annual report shall show all benefits paid since the claim was initiated through June 30 of the current year. A final report shall be filed in lieu of the annual report if the claim is closed and the final report is filed before the date when the annual report is scheduled to be filed; and</i></li> <li>• <i>Final report filed at the time the claim is closed. The final report indicates that no further benefit payments are contemplated.</i></li> </ul>
OSHA <sup>25</sup>	YES	<p><a href="#">Iowa has an approved OSHA 'state-plan'</a>, which means it is at least as effective as federal OSHA. Similar to federal OSHA, Iowa OSHA has a general duty clause that requires employers to provide employees a workplace free from recognized hazards that can cause death or serious physical harm.</p> <p>It has incorporated the federal OSHA Standards for Agriculture. Iowa has also incorporated all of the federal OSHA reporting and recordkeeping requirements. Employers are encouraged to review the federal fact sheet for details on OSHA requirements.</p>
Housing	YES/NO	<p>Iowa law does not explicitly address standards for permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.</p>

## References

1. Iowa Code §91A.3
2. Iowa Code §91A.4
3. Iowa Code §91D.1; Iowa Admin. Code r. 875-215.3(11)
4. Iowa Admin. Code r. 875-215.2
5. Iowa Code §91A.6
6. Iowa Code §422.16; §96.19 (in particular, 96.19(18)g(5))
7. Iowa Code §91A.5, 91A.6; 91A.2; Iowa Admin. Code r. 875-215.3(23);
8. Iowa Code §91B.1
9. Iowa Code §91B.1
10. Iowa Code §96.11; Iowa Admin. Code r. 871-22.1; 871-22.2
11. Iowa Admin. Code r. 875-4.2; Iowa Code §86.10, §86.11
12. Iowa Admin. Code r. 875-4.3
13. Iowa Admin. Code r. 21-68.12
14. Iowa Code § 216.6
15. Iowa Code §607A.45
16. Iowa Code §915.23
17. Iowa Code 29A.43
18. Iowa Code §49.109
19. Iowa Code §91A.6
20. Iowa Code § 91A.6
21. Iowa Code §92.17; §92.2; §92.7; Iowa Admin. Code r. 875-32.1("Part-time")
22. Iowa Code §216.6
23. Iowa Code §710A
24. Iowa Code §85.1; Iowa Admin. Code r. 876-11.7; Iowa Code §86.11
25. Iowa Code §88.4; Iowa Admin. Code r. 875-28.1; 875-4.3

