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**LABOR LAWS  
of the  
STATE OF IOWA**

**1966 CODE**

**BULLETIN No. 21**

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BUREAU OF LABOR**

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State of Iowa  
1968

**LABOR LAWS**  
  
of the  
  
**STATE OF IOWA**

Revised to July 4, 1967

**DALE PARKINS**  
  
Labor Commissioner  
  
Bureau of Labor  
  
State House  
  
Des Moines, Iowa 50319

Published by the  
**STATE OF IOWA**  
Des Moines



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The laws contained in this bulletin have been reproduced from the Iowa Statutes, Code 1966.

This compilation is published and distributed by your Labor Department in an endeavor to bring about a better understanding of the common problems and thereby promote a better relationship between labor and management throughout the state. The present situation in Iowa is changing rapidly due to the state's industrial and commercial growth. With this thought in mind, it is our opinion that in the near future new laws and amendments may be made by our legislature. Of course, when these changes are made, it will then become necessary to issue a revised edition of the present labor laws.

We are mindful of the fact that there may be requests for information on other state labor laws. For such information, write the following state administrative agencies:

CIVIL SERVICE

*Iowa Merit Employment Commission*

SAFETY RULES

*Iowa Employment Safety Commission*

FAIR EMPLOYMENT

*Iowa Civil Rights Commission*

GROUP INSURANCE

*Iowa Insurance Commission*

RAILROAD LAWS

*Iowa Commerce Commission*

STATE MINE INSPECTING

*Iowa Mine Inspector*

UNEMPLOYMENT BENEFITS

*Iowa Employment Security Commission*

WORKMEN'S COMPENSATION

*Iowa Industrial Commission*

# INDEX

## STATE LABOR LAWS

	Page
Foreword . . . . .	2
Health and Safety Appliances . . . . .	4
Employment Safety Commission . . . . .	8
Boiler Inspection . . . . .	15
Board of Arbitration . . . . .	22
Bureau of Labor . . . . .	28
Child Labor . . . . .	33
State Employment Agencies . . . . .	40
License for Employment Agencies . . . . .	42
Passenger and Freight Elevators . . . . .	44
Labor Union Membership . . . . .	45
Labor Boycotts and Strikes . . . . .	47

## CHAPTER 88

### HEALTH AND SAFETY APPLIANCES

- 88.1 Enforcement.
- 88.2 Water closets—separate for each sex.
- 88.3 Washing facilities.
- 88.4 Seats for female employees.
- 88.5 Steam and water gauges and valves.
- 88.6 Safety appliances.
- 88.7 Removal of guards or appliances.
- 88.8 Blowers and pipes for dust.
- 88.9 Pipes and flues for gases.
- 88.10 Repealed.
- 88.11 Record of accidents.
- 88.12 Report of accidents—evidence.
- 88.13 Penalties.
- 88.14 Assumption of risks.

**88.1 Enforcement.** It shall be the duty of the commissioner of labor of the state, and the mayor and chief of police of every city or town, to enforce the provisions of this chapter.

**88.2 Water closets — separate for each sex.** Every manufacturing or mercantile establishment, workshop, or hotel in which five or more persons are employed, shall be provided with a sufficient number of water closets, earth closets, or privies for the reasonable use of the persons employed therein, which shall be properly screened and ventilated and kept at all times in a clean condition and free from all obscene writing or marking; and such water closets or privies shall be supplied in the proportion of at least one to every twenty employees; and if women or girls are employed in such establishment, the water closets, earth closets, or privies used by them shall have separate approaches and be separate and apart from those used by the men or boys.

**88.3 Washing facilities.** In factories, mercantile establishments, mills, and workshops, adequate washing facilities shall be provided for all employees; and when the labor performed by the employees is of such a character as to require or make necessary a change of clothing, wholly or in part, by the employees, there shall be provided a dressing room, or rooms, lockers for keeping clothing, and adequate washing facilities separate for each sex, and no person or persons shall be allowed to use the facilities assigned to the opposite sex. A sufficient supply of water suitable for drinking purposes shall be provided.

**88.4 Seats for female employees.** All employers of females in any workshops, mercantile, or manufacturing business or establishment shall provide and maintain

suitable seats, when practicable, for the use of such female employees, at or beside the counter or workbench where employed, and permit the use thereof by such employees to such extent as the work engaged in may reasonably admit.

**88.5 Steam and water gauges and valves.** Every person owning or operating a steam boiler in this state shall provide the same with steam gauge, safety valve, and water gauge, and keep the same in good order.

**88.6 Safety appliances.** It shall be the duty of the owner, agent, superintendent, or other person in charge of any workshop, manufacturing or other industrial establishment or concern operated by machinery, either in a fixed location or when portable and moved from place to place therein in carrying on such industry, so far as practicable, to install and keep in order belt shifters or other safe mechanical means for throwing belts on and off pulleys, install loose pulleys, and protect, by guards or housing, all gearing, cogs, belting, shafting, tumbling rods, universal or knuckle joints, set screws, saws, planes, and other machinery, when so located or used that employees may receive injury thereby. The provisions of this chapter shall not apply to agricultural pursuits.

**88.7 Removal of guards or appliances.** When any person shall remove any guard or safety appliance from any machine or other equipment, or shall so adjust or place the same as to destroy or impair its use in preventing bodily injury or safeguarding health, for the purpose of enabling the employee operating said machine to perform any special work that cannot otherwise be performed, it shall be the duty of said employee or employer to immediately replace it after such special work has been completed.

**88.8 Blowers and pipes for dust.** All persons, companies, or corporations operating any factory or workshop where emery wheels or emery belts of any description, or tumbling barrels used for rumbling or polishing castings, are used, shall provide the same with blowers and pipes of sufficient capacity, placed in such a manner as to protect the person or persons using same from the particles of dust produced or caused thereby, and to carry away said particles of dust arising from or thrown off such wheels, belts, and tumbling barrels, while in operation, directly to the outside of the building, or to some receptacle placed so as to receive or confine such particles of dust; but grinding machines upon which water is used at the point of grinding contact, and small emery wheels which are used temporarily for tool grinding, are not included within the provisions of this section, and the shops employing not more than one man at such work may, in the discretion of the labor commissioner, be exempt from the provisions hereof.

**88.9 Pipes and flues for gases.** Any factory, workshop, printshop, or other place where molten metal or other material which gives off deleterious gases or fumes is kept or used shall be equipped with pipes or flues so arranged as to give easy escape to such gases or fumes into the open air, or provided with other adequate ventilators.

**88.10 Repealed.**

**88.11 Record of accidents.** Manufacturers, manufacturing corporations, proprietors, or corporations operating any mercantile establishment, mill, workshop, business house, or mine, other than those subject to inspection by the state mine inspector, shall keep a careful record of any accident occurring to an employee while at work for the employer, when such accident results in the death of the employee or in such bodily injury as will or probably may prevent him from returning to work within two days thereafter. The said record shall at all times be open to inspection by an inspector of the bureau of labor.

**88.12 Report of accidents – evidence.** Within forty-eight hours after the occurrence of an accident, the record of which is required to be kept, a written report thereof shall be forwarded to the commissioner of labor and said commissioner may require further and additional report to be furnished him should the first report be by him deemed insufficient. No statement contained in any such report shall be admissible in any action arising out of the accident therein reported. The labor commissioner shall adopt and all persons shall use standard methods and forms for the records and reports required by this section and the preceding section. Such methods and forms shall be subject to the approval of the employment safety commission. The recommendations of recognized safety organizations such as the American Standards Association shall be given due consideration in adopting such methods and forms.

**88.13 Penalties.** Any person, corporation, firm, agent, or superintendent violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

For a violation of any one of the provisions of sections 88.11 and 88.12, by a fine not exceeding one hundred dollars.

**88.14 Assumption of risks.** In all cases where the property, works, machinery, or appliances of an employer are defective or out of repair, and where it is the duty of the employer from the character of the place, work, machinery, or appliances to furnish reasonably safe machinery, appliances, or place to work, the employee shall not be deemed to have assumed the risk, by continuing in the prosecution of the work, growing out of any defect as aforesaid, of which the employee may have

had knowledge when the employer had knowledge of such defect, except when in the usual and ordinary course of his employment it is the duty of such employee to make the repairs, or remedy the defects. Nor shall the employee under such conditions be deemed to have waived the negligence, if any, unless the danger be imminent and to such extent that a reasonably prudent person would not have continued in the prosecution of the work; but this statute shall not be construed so as to include such risks as are incident to the employment; and no contract which restricts liability hereunder shall be legal or binding.

## CHAPTER 88A

### EMPLOYMENT SAFETY COMMISSION

- 88A.1 Public Policy.
- 88A.2 Definitions.
- 88A.3 Employment Safety Commission.
- 88A.4 Appointment by Governor.
- 88A.5 Terms.
- 88A.6 Vacancies.
- 88A.7 Compensation.
- 88A.8 Offices and meetings.
- 88A.9 Organization and procedure.
- 88A.10 Duties and powers.
- 88A.11 Safety rules.
- 88A.12 Public hearing and notice.
- 88A.13 Copies of rules.
- 88A.14 Enforcement and inspections.
- 88A.15 Violations.
- 88A.16 Appeal.
- 88A.17 Imminently dangerous machinery or equipment.
- 88A.18 Short title.

**88A.1 Public policy.** It is the policy of this state that every employer shall furnish and maintain a safe place of employment for employees and shall cause all places of employment to be in all respects constructed, equipped, arranged, operated and maintained so as to provide reasonable and adequate protection for the lives, health, and safety of all persons employed or working therein or frequenting the same, taking into consideration the nature of the employment and work.

**88A.2 Definitions.** Wherever used in this Chapter, unless the context clearly requires a different meaning:

1. "Commission" means the employment safety commission created by this chapter.

2. "Labor Commissioner" means the labor commissioner of the State of Iowa.

3. "Person" includes individual, partnership, corporation, association, organization, fiduciary, or legal representative.

4. "Place of employment" means any place, permanent or temporary, where any individual is employed or works for compensation.

5. "Employment safety" means all matters relating to safety and health within the scope of this chapter, (including but not limited to all provisions of section 88A.1), sections eighty-eight point two (88.2) through eighty-eight point nine (88.9), inclusive, and chapter one hundred four (104).

6. "Employment safety laws" includes this chapter (including but not limited to all provisions of section 88A.1) sections eighty-eight point two (88.2) through eighty-eight point nine (88.9), inclusive, and chapter one hundred four (104).

7. "Rule" or "rules" includes any rules, regulations, and codes adopted by the commission in accordance with section 88A.11. Such words do not include rules of procedure for the meetings and activities of the commission.

8. "Amend" includes alter and rescind, and "amendment" includes alteration and rescission.

9. The use of the singular includes the plural, and vice versa. The use of any gender includes the appropriate gender.

**88A.3 Employment safety commission.** An employment safety commission is hereby created. The commission shall consist of eight (8) members. Four (4) members shall represent employers, and four (4) members shall represent employees. Each member of the commission shall have had substantial experience in employment safety before his appointment.

**88A.4 Appointment by Governor.** The governor, with the approval of two-thirds (2/3) of the members of the senate, shall appoint the members of the commission without regard to political affiliation. Any organization of employers or employees, including but not limited to the Iowa Federation of Labor and the Iowa Manufacturers Association, may submit to the governor nominations for members of the commission, together with information on the employment safety experience of each nominee. The governor shall give due consideration to such nominations when appointing members of the commission, but shall not be bound by such nominations.

When appointing members of the commission, the governor shall ascertain that each member has the qualifications stated in the chapter, that each employer member actually represents the interests of employers, and that each employee member actually represents the interests of employees.

**88A.5 Terms.** Each member of the commission shall serve for a term of six (6) years and until his successor is appointed and qualifies. However, the members first appointed shall be appointed within thirty (30) days after the effective date of this chapter and shall serve for terms beginning when the members have been approved by the senate and ending on the following dates: One (1) employer member and one (1) employee member, June 30, 1967; two (2) employer members and one (1) employee member, June 30, 1969; and one (1) employer member and two (2) employee members, June 30, 1971.

**88A.6 Vacancies.** Any vacancy in the commission occurring during a session of the general assembly shall be filled in the same manner as provided for original appointments and before the end of the session, and for the unexpired part of the term. Any vacancy occurring while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire thirty (30) days after the general assembly next convenes. Within said thirty (30) days the governor shall transmit to the senate an appointment for the unexpired part of the term. Vacancies shall not impair the power of the remaining members to exercise all powers of the commission, subject to the requirements of this chapter on quorum and number of votes required for certain actions.

**88A.7 Compensation.** Members of the commission shall serve without compensation, but shall be paid their reasonable expenses in traveling to and from meetings of the commission and during such meetings, and any other actual and necessary expenses incurred in the performance of official duties of the commission.

**88A.8 Offices and meetings.** The commission shall have an office at the seat of government. The executive council shall provide suitable office space and necessary furniture, equipment, and supplies. The commission may hold meetings and hearings anywhere in Iowa.

**88A.9 Organization and procedure.** The commission shall adopt rules of procedure for its meetings and activities. The commission shall elect one (1) of its members as chairman, who shall serve for a term of two (2) years and until his successor is elected. The labor commissioner shall serve as secretary of the commission without vote, shall attend its meetings, shall furnish information and clerical and other assistance requested by the commission, and may submit recommendations to the commission. Six (6) members of the commission shall constitute a quorum. The affirmative vote of five (5) members of the commission shall be required in order to adopt or amend any rule.

**88A.10 Duties and powers.** It shall be the duty of the commission and it shall have power, jurisdiction, and authority to:

1. Adopt and amend rules as hereinafter provided.
2. Hold hearings with respect to employment safety, proposed rules, and proposed amendments.
3. Hear and decide appeals as hereinafter provided.
4. Administer oaths, subpoena witnesses, and take the testimony of any person under oath, in connection with any hearing or appeal.
5. Advise and consult with the labor commissioner on employment safety and safety education.

6. Appoint advisors who shall, without compensation, assist the commission and the labor commissioner in the formulation of rules. Upon request by the commission or the labor commissioner, any state official or state agency shall furnish technical assistance and advice in the formulation of rules.

**88A.11 Safety rules.** The commission shall adopt reasonable rules, regulations, and codes to carry out and give effect to the policy and provisions of the employment safety laws, including but not limited to section 88A.1. The commission may amend the rules from time to time.

The rules shall take into consideration and shall be based on applicable and recognized safety codes, standards, and regulations, including, without limiting the generality of the foregoing, any such codes, standards, and regulations heretofore or hereafter adopted by the American Standards Association, United States Bureau of Standards, American Society of Mechanical Engineers, National Fire Prevention Association, American Insurance Association, and other safety organizations.

Rules shall be set forth in full; and incorporation of any code, standard, or regulation by reference thereto shall not be sufficient, except that other rules of the commission may be incorporated by reference.

If any rule of the commission shall conflict with any applicable rule or regulation adopted by any other state agency, board, bureau, officer, or department, the rule or regulation requiring the higher standard shall prevail if such rule or regulation is applicable to employment safety and is authorized by law.

All rules shall be enforced as provided in this chapter.

**88A.12 Public hearing and notice.** Before adopting or amending any rule pursuant to section 88A.11, the commission shall hold a public hearing on the subject matter of the proposed rule or amendment. Any interested person may appear and be heard at such hearing, in person or by agent or counsel.

The labor commissioner shall maintain a mailing list for hearings, and at least thirty (30) days before the hearing the labor commissioner shall mail a notice of the hearing by ordinary mail to each person on the mailing list. Such notice shall include a copy of the proposed rule or amendment. When the labor commissioner receives a written request from any person to be placed on the mailing list for hearings, the labor commissioner shall add such person to the mailing list. At the end of each calendar year, the labor commissioner may remove any person from the mailing list if the labor commissioner has not received from such person during the last three (3) months of such calendar year a written request to be placed on the mailing list for the following year. The

commissioner shall also make a reasonable effort to give the news media of the state notice of each hearing.

Failure to comply with the notice requirements of this section shall not affect the validity of any rule unless such failure shall have been willful.

The provisions of this section are in addition to the requirements of chapter seventeen A (17A).

**88A.13 Copies of rules.** The labor commissioner shall mail a copy of any rule to any person requesting it, within ten (10) days after receipt of such request. The labor commissioner shall cause all rules to be published in a convenient form.

**88A.14 Enforcement and inspections.** It shall be the duty of the labor commissioner to supervise the enforcement of the provisions of the employment safety laws and all rules. The labor commissioner and inspectors of the department of labor shall have the right and power to enter and inspect any place of employment at any reasonable time in order to determine compliance with, and aid in the enforcement of, the employment safety laws and the rules, but in doing so shall not unreasonably interfere with the operations, business, or work of any employer or employee. The provisions of section ninety-one point ten (91.10) shall be applicable to this chapter.

The labor commissioner may accept, without cost to the state, inspections performed by insurance company inspectors or other qualified inspectors when evidence of their qualifications satisfactory to the labor commissioner has been furnished. No inspection of any place of employment made by insurance company inspectors or other inspector shall be the basis for the imposition of civil liability upon the inspector or upon the insurance company or other person employing the inspector; but this provision refers only to liability arising out of the making of an inspection and shall not be construed to deny or limit the liability of any employer to his employees or the liability of any insurance carrier on its insurance policy.

**88A.15 Violations.** When the labor commissioner or his inspector shall discover or have reason to believe that any provision of the employment safety laws or any rule is being violated, he shall cause to be served on the person or persons violating the same, in the manner provided in the rules of civil procedure, a written notice to comply with the same within a reasonable time to be fixed in the notice, which time shall be not less than seven (7) days nor more than thirty (30) days, except that such time may be extended by the labor commissioner for good cause shown. The notice shall specify the violation.

In fixing the time in such notice and any extension of time, the labor commissioner shall take into consideration

the nature of the failure or defect constituting the violation, the probable danger thereof, and the probable length of time and amount of labor required to correct the violation.

If the violation continues after the expiration of the period of time fixed in the notice, including any such extension of time, the labor commissioner may give written notice of the violation to the county attorney of the county in which the violation takes place. The county attorney shall promptly institute appropriate actions or proceedings, civil or criminal, to enforce the applicable statute or rule. If the county attorney does not do so promptly, the attorney general shall do so upon written request of the labor commissioner. Neither the labor commissioner nor the commission shall be required to post or furnish any bond or security in connection with any such action or proceedings.

Any person violating any provision of the employment safety laws or any rule after service of such notice in writing and after expiration of the period of time fixed in such notice, including any such extension of time, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars and not more than one hundred (100) dollars. If such violation continues after such conviction, each day of such continuing violation shall be a new and separate offense.

Before proceeding under this section, the labor commissioner may first attempt to obtain voluntary compliance whenever in his judgment it is in the public interest to do so.

**88A.16 Appeal.** Any person aggrieved by any action of the labor commissioner or his inspector in giving a written notice to comply pursuant to the preceding section or any action of the labor commissioner with respect to any requested extension of time under the preceding section, may appeal to the commission by causing a written notice of appeal to be served on the labor commissioner in the manner provided in the rules of civil procedure, within ten (10) days after the action of the labor commissioner appealed from. The notice of appeal shall state the action appealed from and the reasons for and grounds of the appeal. The labor commissioner shall promptly notify the chairman of the commission, who shall set a time and place for a hearing on the appeal and shall cause at least five (5) days written notice thereof to be given to all interested parties. The commission shall affirm the action of the labor commissioner unless the commission shall find, by the affirmative vote of at least five (5) members of the commission, that the action of the labor commissioner was not reasonable under the circumstances or was not authorized by the employment safety laws or rules. The commission shall

immediately give written notice of its decision to all parties. The enforcement proceedings with respect to which the appeal is taken shall be suspended until the decision of the commission.

The appellant or the labor commissioner may obtain judicial review of the commission's decision by commencing an action in the district court in the county in which the alleged violation occurred, within thirty (30) days after the commission's decision. The rules of civil procedure shall be applicable, and the district court shall hear and decide the matter de novo.

An appeal may be taken to the supreme court as in other cases.

**88A.17 Imminently dangerous machinery or equipment.** When the labor commissioner or his inspector shall discover or have reason to believe that any provision of the employment safety laws or any rule is being violated by a piece of machinery or equipment which is so defective as to cause imminent danger to life, health, or safety, this section shall apply rather than section 88A.15. The labor commissioner or his inspector shall cause to be served on the person or persons violating the same, in the manner provided in the rules of civil procedure, a written notice to comply with the same and to refrain from using such piece of machinery or equipment until such defect is corrected. The notice shall specify the defect and violation. Pending the service of the written notice, the labor commissioner or his inspector may give oral notice to refrain from using such piece of machinery or equipment until such defect is corrected, but such oral notice shall not be effective for more than two (2) hours.

If such piece of machinery or equipment violates any provision of the employment safety laws or any rule, any person using such piece of machinery or equipment in violation of such notice shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 88A.15. Such violation shall be prosecuted as provided in section 88A.15.

Any person aggrieved by any action of the labor commissioner or his inspector under this section may appeal to the commission as provided in section 88A.16, or may commence an action in the district court in the county in which the alleged violation occurred. The written notice under this section shall not be suspended during such proceedings unless an injunction is granted by the court.

**88A.18 Short Title.** This Chapter may be cited as the "Iowa Employment Safety Act."

## CHAPTER 89

### BOILER INSPECTION

- 89.1 Inspectors—bonds—qualifications.
- 89.2 Inspection made—certificate.
- 89.3 Boilers exempt.
- 89.4 Rules—records.
- 89.5 New boilers—notice to commissioner.
- 89.6 Insured boilers—certificate of inspection.
- 89.7 Fees for inspection.
- 89.8 Disposal of fees.
- 89.9 Penalty.
- 89.10 Injunction.
- 89.11 Hearing—notice—decree.
- 89.12 Fired and unfired vessels.

**89.1 Inspectors—bonds—qualifications.** The commissioner of labor shall, on or before the first day of July, 1941, and every two years thereafter, appoint a state boiler inspector, subject to the approval of the executive council, who shall work under the direct supervision of the commissioner of labor and who shall devote his full time to the duties of his office. Before entering upon the duties of his office, the state boiler inspector shall give a bond in the sum of twenty-five hundred dollars for the faithful performance of his duties, the same to be approved by the secretary of state and deposited in the office of the same. The commissioner of labor may, subject to the approval of the executive council, appoint deputy inspectors possessing the same qualifications as the state boiler inspector, whenever the same may be necessary to carry out the provisions of this chapter, and such deputy inspector shall be subject to and governed by the same rules and regulations applicable to and governing the acts and conduct of the state boiler inspector. The person so appointed shall be a practical boiler maker or a licensed engineer and shall be qualified by not less than five years experience in the the construction, installation, repair and inspection of boilers, steam generators and superheaters, with knowledge of their operation and use for the generating of steam for power, heating or other purposes, and shall neither directly nor indirectly be interested in the manufacture, ownership or agency of the same.

**89.2 Inspection made—certificate.**

1. It shall be the duty of the state boiler inspector, to inspect or cause to be inspected internally and externally, at least once every twelve months, except as otherwise provided in this section, in order to determine whether all

such equipment is in a safe and satisfactory condition, and properly constructed and maintained for the purpose for which the same is used, all steam boilers, tanks, jacket kettles, generators, all steam boilers used for heating purposes carrying a pressure of not more than fifteen (15) pounds per square inch gauge and located in places of public assembly, all hot water heating boilers carrying a pressure of not more than thirty (30) pounds per square inch gauge located in places of public assembly and other appurtenances used in this state for generating or transmitting steam for power, or for using steam under pressure for heating or steaming purposes, in order to determine whether said equipment is in a safe and satisfactory condition, and properly constructed and maintained for the purpose for which the same is used.

2. The labor commissioner and the boiler inspectors shall have the right and power to enter any building or structure, public or private, for the purpose of inspecting any equipment covered by this chapter or gathering information with reference thereto.

3. Upon making an inspection of any equipment covered by this chapter, the inspector shall give to the owner or user thereof a certificate of inspection, upon forms prescribed by the labor commissioner, which certificate shall be posted in a place near the location of said equipment.

4. The owner or user of any equipment covered in this chapter, or persons in charge of same, shall not allow or permit a greater pressure in any unit than is stated in the certificate of inspection issued by the inspector.

5. The boiler inspector is hereby empowered to inspect boilers and tanks for other than steam pressure, manufactured in Iowa, when requested by the manufacturer.

6. Each fired steam boiler of one hundred thousand pounds per hour or more capacity, used or proposed to be used within this state, which has internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water where the said water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors, and with respect to which boiler the state boiler inspector has determined that the owner or user has complied with the record-keeping requirements hereafter prescribed, shall be inspected at least once every two years internally and externally while not under pressure, by the state boiler inspector or by one of the deputy inspectors as to its construction, installation, condition and operation. If at any time a hydrostatic test shall be deemed necessary to determine the safety of a boiler, the same shall be made, under the supervision of the inspector, by the owner or user thereof.

Not more than twenty-four months shall elapse between internal inspections, and external inspections while under pressure shall also be made at no greater intervals.

The owner or user of such boiler shall keep available for examination by the state boiler inspector or by any of the deputy inspectors accurate records showing the date and actual time such boiler is out of service and the reason or reasons therefor, and such chemical physical laboratory analyses of samples of the boiler water taken at regular intervals of not more than forty eight hours of operation as will adequately show the condition of such water and any elements or characteristics thereof which are capable of producing corrosion or other deterioration of the boiler or its parts.

**89.3 Boilers exempt.** The provisions of this chapter shall not apply to boilers of railway locomotives subject to federal inspection, boilers operated and regularly inspected by railway companies operating in interstate commerce, boilers under the jurisdiction and subject to inspection by the United States government, boilers used exclusively for agricultural purposes, heating boilers in residences, buildings, except buildings of public assembly as defined in section eighty-nine point twelve (89.12) and apartment houses using a pressure of less than fifteen pounds per square inch and/or having a safety valve set at not higher than fifteen pounds pressure per square inch, and fire engine boilers brought into the state for temporary use in times of emergency.

All high pressure boilers that are converted to low pressure boilers shall have a fifteen pound safety valve installed and be approved by a commissioned inspector from the bureau of labor not later than thirty days after the expiration date of the certificate for said boiler.

Unfired steam pressure vessels not exceeding the following limitations are not required to be reported to the bureau of labor:

1. A vessel not greater than five cubic feet in volume and not having a pressure greater than two hundred fifty pounds per square inch.
2. A vessel not greater than one and one-half cubic feet in volume with no limit on pressure.

Internal inspection shall not be required on unfired steam pressure vessels where they have been manufactured without inspection plate and where it would be necessary for them to be drilled in order to be inspected as required in section eighty-nine point two (89.2). The above-mentioned unfired pressure vessels must be reported to the bureau of labor and certified by the inspector that in his judgment they are safe and in satisfactory condition for the purpose for which they are used.

#### 89.4 Rules—records.

1. The commissioner of labor is hereby authorized and empowered to prescribe rules within the provisions of this chapter, for the purpose of carrying the same into effect including rules for the methods of testing equipment and construction and installation of new equipment covered by this chapter, and said rules shall, as nearly as possible, conform to the rules formulated by the boiler code committee of the American society of mechanical engineers and known as the American society of mechanical engineers boiler code of 1937 as amended.

2. The state boiler inspector shall investigate and report to the commissioner the cause of any boiler explosion that may occur in the state, the loss of life, injuries sustained, and estimated loss of property, if any; and such other data as may be of benefit in preventing a recurrence of similar explosions.

3. He shall keep in the office of the commissioner a complete and accurate record of the name of the owner or user of each steam boiler or other equipment subject to this chapter, giving a full description of said equipment, including the type, dimensions, age, condition, the amount of pressure allowed, and the date when last inspected.

**89.5 New boilers—notice to commissioner.** Before any equipment included under the provisions of this chapter is installed by any owner, user or lessee thereof, a ten days written notice of intention to install same shall be given to the commissioner of labor. The notice shall designate the proposed place of installation, the type and capacity of such equipment, the use to be made thereof, the name of the company which manufactured same, and whether said equipment is new or used.

#### 89.6 Insured boilers—certificate of inspection.

1. The inspection required by this chapter shall not be made by the state boiler inspector where any owner or user of any equipment specified by this chapter obtains an inspection by a representative of reputable insurance company and obtains a policy of insurance from said company upon said equipment.

The insurance company shall file a certificate of inspection on forms approved by the commissioner of labor stating that such equipment is insured and that inspection shall be made in accordance with section eighty-nine point two (89.2). Upon such showing and the payment of a fee of two dollars the commissioner of labor shall issue a certificate of inspection by the bureau of labor which shall be valid only for the period specified in section eighty-nine point two (89.2).

Upon such showing and the payment of a fee of two dollars (\$2.00) for each one-year inspection and four

dollars (\$4.00) for each two-year inspection, the commissioner of labor shall issue a certificate of inspection by the bureau of labor, which shall be valid only for the period specified in section eighty-nine point two (89.2).

2. The state boiler inspector shall notify the user of any equipment or appurtenance found to be unsafe or unfit for operation in writing, setting forth the nature and extent of such defects and condition. Said notice shall indicate whether or not said equipment shall be used without making repair or replacement of defective parts, or whether or how said equipment may be used in a limited capacity before repairs or replacements are made, and the state boiler inspector may permit the user a reasonable time to make such repairs or replacements.

**89.7 Fees for inspection.** An inspection fee of each boiler or pressure unit inspected by the boiler inspector according to the terms of this chapter shall be paid by the owner or user as follows:

1. Boilers having a working pressure to seventy (70) pounds per square inch, ten dollars (\$10.00) for one (1) boiler and eight dollars (\$8.00) for each additional boiler of like size when set in batteries.

2. Boilers having a working pressure of seventy-one pounds to and including one hundred fifty pounds per square inch, twelve dollars for one boiler and ten dollars for each additional boiler of like size when set in batteries.

3. Boilers having a working pressure of one hundred fifty-one pounds to four hundred fifty pounds per square inch, inclusive, fourteen dollars for one boiler and twelve dollars for each additional boiler of like size when set in batteries.

4. Boilers having a working pressure of four hundred fifty-one pounds and excess per square inch, eighteen dollars for one boiler and twelve dollars for each additional boiler of like size when set in batteries.

5. Steam stills, tanks, jacket kettles, sterilizers and all other reservoirs fired or unfired having a working pressure in excess of fifteen pounds per square inch, shall be charged for the first piece of equipment as follows: fifteen pounds to seventy pounds per square inch inclusive, ten dollars; seventy-one pounds to one hundred fifty pounds per square inch inclusive, twelve dollars; one hundred fifty-one pounds to four hundred fifty pounds per square inch inclusive, fourteen dollars. Additional equipment shall be charged for at the same rate as boilers.

6. If at any time the owner, user or agent of the owner of a steam boiler or equipment within the state shall desire a special inspection of any boiler or equipment, it shall be made by the boiler inspection department after due request therefor, and the inspector making the

inspection shall collect a fee of ten dollars for each boiler, together with his expenses in connection therewith.

7. Inspections made at the request of a boiler or tank manufacturer by the chief inspector or any deputy inspector, shall be charged for at the rate currently charged by the various insurance companies for performing a similar service. This charge shall not void the regular fee for inspection or certificate when the boiler or tank is installed.

**89.8 Disposal of fees.** All fees provided for in this chapter shall be collected by the commissioner of labor and remitted to the state treasurer, together with an itemized statement showing the source of collection.

**89.9 Penalty.** Any person or persons, corporations and directors, managers and superintendents, and officers thereof, violating any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in a sum not more than one hundred dollars.

**89.10 Injunction.** In addition to any and all other remedies, if any owner, user, or person in charge of any equipment covered by this chapter, shall continue to use any equipment covered by this chapter, after receiving a notice of defect as provided by this chapter, without first correcting said defects or making replacements, the commissioner of labor may apply to the district court or any judge thereof by petition in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of said alleged defective equipment.

**89.11 Hearing — notice — decree.** The commissioner shall notify in writing the owner or user of said equipment of the time and place of hearing of said petition as fixed by the court or judge, and shall serve said notice on the defendant at least five days prior to said hearing in the same manner as original notices are served. The general provisions relating to civil practice and procedure as may be applicable, shall govern the proceedings, except as herein modified. In event the defendant does not appear or plead to said action, default shall be entered against the defendant. The action shall be tried in equity, and the court or judge shall make such order or decree as the evidence warrants.

**89.12 Fired and unfired vessels.**

1. A pressure vessel in which steam is generated by the application of heat resulting from the combustion of solid, liquid or gaseous fuel shall be classed as a fired steam boiler.

2. Any steam boiler or steam vessel in which steam may be generated or transferred, but one in which the heat resulting from combustion of solid, liquid or gaseous

fuel is not applied directly to the boiler or vessel shall be classified as an unfired steam vessel.

3. Low-pressure heating boiler. The term "low-pressure heating boiler" shall mean a steam boiler operated at pressures not exceeding fifteen (15) psig, or a hot water heating boiler not exceeding thirty (30) pounds per square inch gauge.

4. Place of public assembly. "Place of public assembly" shall mean any building or portion thereof designed, intended and used for occupation by persons for purposes of entertainment, instruction or amusement and shall be construed to include theaters, motion picture theaters, hospitals, places of worship, schools, colleges and institutions.

## CHAPTER 90

### BOARDS OF ARBITRATION

- 90.1 Petition for appointment.
- 90.2 Notification by governor.
- 90.3 Governor to appoint for parties.
- 90.4 Third appointee.
- 90.5 Agreement to be bound by decision.
- 90.6 Oath – organization.
- 90.7 Compensation.
- 90.8 Evidence – witnesses.
- 90.9 Oath – rule of evidence.
- 90.10 Subpoenas – by whom served – fees.
- 90.11 Investigation – report filed – public inspection.
- 90.12 Investigation – decision.
- 90.13 Decision – report to governor.
- 90.14 Decision filed and published.

### FIRE DEPARTMENT DISPUTES IN CERTAIN CITIES

- 90.15 Board of arbitration.
- 90.16 Recommendations for appointees.
- 90.17 Failure to act.
- 90.18 Third member of board.
- 90.19 Organization of board.
- 90.20 Costs.
- 90.21 Powers of board.
- 90.22 Witnesses.
- 90.23 Findings and report.
- 90.24 **Time limit.**
- 90.25 **Decision.**
- 90.26 **Filing.**
- 90.27 Nature of decision.

**90.1 Petition for appointment.** When any dispute arises between any person, firm, corporation, or association of employers and their employees or association of employees, of this state, except employers or employees having trade relations directly or indirectly based upon interstate trade relations operating through or by state or international boards of conciliation, which has or is likely to cause a strike or lockout, involving ten or more wage earners, and which does or is likely to interfere with the due and ordinary course of business, or which menaces the public peace, or which jeopardizes the welfare of the community, and the parties thereto are unable to adjust the same, either or both parties to the dispute, or the mayor of the city, or the chairman of the board of supervisors of the county in which said employment is carried on, or on petition of any twenty-five citizens thereof over the age of twenty-one years, or the labor commissioner, after investigation, may make written application to the governor for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this chapter; and the manager of the business of any person,

firm, corporation, or association of such employers, or any organization representing such employees, or if such employees are not members of any organization, then a majority of such employees affected may make the application as provided in this chapter, but in no case shall more than twenty employees be required to join in such application.

**90.2 Notification by governor.** The governor shall at once upon application made to him as herein provided, and upon his being satisfied that the dispute comes within the provisions of section 90.1, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation and make request upon each party to the dispute that each of them recommend within three days from the date of notice, the names of five persons who have no direct interest in such dispute and are willing and ready to act as members of the board, and the governor shall appoint from each list submitted one of such persons recommended.

**90.3 Governor to appoint for parties.** Should either of the parties fail or neglect to make any recommendation within the said period, the governor shall, as soon thereafter as possible, appoint a fit person who shall be deemed to be appointed on the recommendation of the parties in default.

**90.4 Third appointee.** The members of the board so appointed shall within five days of their appointment recommend to the governor the name of one person who is ready and willing to act as a third member of the board, and upon failure or neglect upon their part to make such recommendation within the said period, or upon the failure or refusal of the person so recommended to act, the governor shall as soon thereafter as possible appoint some person to act as the third member of the board.

**90.5 Agreement to be bound by decision.** In all cases when the application is made by both parties to the dispute, they shall set forth in the application whether or not they agree to be bound by the decision of the board of arbitration and conciliation; and if both parties agree to be so bound by such decision, then the same shall be binding and enforceable as set out in section 90.12.

**90.6 Oath – organization.** Each member of the board shall, before entering upon the duties of his office, be sworn to a faithful and impartial discharge thereof; they shall organize at once by the choice of one of their number as chairman, and one of their number as secretary, and shall have power to employ all necessary clerks and stenographers to properly carry out the duties of their appointment.

**90.7 Compensation.** The members of the board shall receive a compensation of five dollars per diem for the time actually employed, together with their traveling and other necessary expenses, the same to be payable out of the state treasury upon warrants drawn by the state comptroller.

**90.8 Evidence – witnesses.** For the purpose of this inquiry the board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence to produce books, papers, and other documents or things as the board may deem requisite to the full investigation of the matters into which it is inquiring, as are vested in the district court in civil cases.

**90.9 Oath – rule of evidence.** Any member of the board may administer an oath, and the board may accept, admit, and call for such evidence as in equity and good conscience it thinks material and proper, whether strictly legal evidence or not.

**90.10 Subpoenas – by whom served – fees.** A subpoena or any notice may be delivered or sent to any sheriff, constable, or any police officer who shall forthwith, serve the same, and make due return thereof, according to directions. Witnesses in attendance and officers serving subpoenas or notices shall receive the same fees as are allowed in the district court, payable from the state treasury, upon the certificate of the board that such fees are due and correct. The board shall have the same power and authority to maintain and enforce order at the hearings and obedience to its writs of subpoena as is by law conferred upon the district court for like purposes.

**90.11 Investigation – report filed – public inspection.** The board shall as soon as practical visit the place where the controversy exists and make careful inquiry into the cause, and the said board may, with the consent of the governor, conduct such inquiry beyond the limits of the state. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both of the parties to the dispute to adjust said controversy, and make a written decision thereof, which shall at once be made public and open to public inspection and shall be recorded by the secretary of the board, and a copy of such report shall be filed in the office of the clerk of the city or town in which the controversy arose and shall be open for public inspection.

**90.12 Investigation – decision.** The board of arbitration and conciliation shall within ten days from the date of their appointment, unless such time shall be extended by the governor, complete the investigation of

any controversy submitted to them, and during the pendency of such period neither party shall engage in any strike or lockout. Any decision made by the board shall date from the date of the appointment of the board and shall be binding upon the parties who join in the application as herein provided for a period of one year.

**90.13 Decision – report to governor.** Within five days after the completion of the investigation, unless the time is extended by the governor for good cause shown, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the point disposed of by them, and make a written report to the governor of their findings of fact and of their recommendation to each party to the controversy.

**90.14 Decision filed and published.** Every decision and report shall be filed in the office of the governor, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the commissioner, who shall cause such decision and report to be published at a rate of not to exceed thirty-three and one-third cents per ten lines of brier type or its equivalent in two newspapers of general circulation in the county in which the business is located upon which the dispute arose.

All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the governor of the state and shall only be subject to inspection upon his order.

## **FIRE DEPARTMENT DISPUTES IN CERTAIN CITIES**

**90.15 Board of arbitration.** When any dispute arises between a city having a population of ten thousand or more, or a city under civil service of whatever population, and any city-recognized association of employees of the paid fire department of such city, and the parties are unable to adjust the dispute, either or both parties may make written application to a judge of the district court of the county in which the dispute arises for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this chapter.

**90.16 Recommendations for appointees.** The judge shall, within ten days after application is made to him as provided, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation, and shall request each party to recommend within ten days from the date of receipt of notice, the name of a person who has no direct interest in the dispute and is willing and ready to act as a member of the board.

**90.17 Failure to act.** Should either of the parties fail or neglect to make any recommendation within the ten-day period, or if the person recommended fails or refuses to act, the judge shall, as soon thereafter as possible, appoint a person who meets the qualifications provided in section 90.16. Such person shall be deemed to be appointed on the recommendation of the party in default.

**90.18 Third member of board.** The parties to the dispute and the members of the board so appointed shall, within five days of the appointment, recommend to the judge the name of an additional person who is willing and ready to act as the third member of the board. The person recommended shall meet the qualifications provided in section 90.16. If the recommendation is not made within the period, or if the person recommended refuses or fails to act, the judge shall as soon thereafter as possible appoint a qualified person to act as the third member of the board.

**90.19 Organization of board.** Each member of the board shall, before entering upon the duties of his office, be sworn to a faithful and impartial discharge thereof. The board shall organize at once by the choice of one of their number as chairman, and one of their number as secretary, and shall have the power to employ all clerks and stenographers necessary to properly carry out the duties of their appointment.

**90.20 Costs.** Each party to the dispute shall assume its own costs of the arbitration proceedings and shall share equally the costs of the third member as well as the general expenses of the board of arbitration and conciliation.

**90.21 Powers of board.** For the purpose of this inquiry the board shall have all the powers vested in the district court in civil cases which the board deems necessary to a full investigation of the dispute, including but not limited to the power to summon and enforce the attendance of witnesses, to administer oaths and to require witnesses to give evidence and produce books and papers. Any member of the board may administer oaths.

**90.22 Witnesses.** A subpoena or any notice may be delivered or sent to any sheriff, or any police officer who shall forthwith serve it and make due return thereof according to direction. Every person who is summoned by an arbitration board and who duly attends as a witness, except witnesses summoned at the request of a party, shall be entitled to an allowance for expenses determined in accordance with the scale in effect at the time with respect to witnesses in the district court in civil cases, and the allowance paid shall be a part of the general expenses of the arbitration board. The board shall have the same

power and authority to maintain and enforce order at the hearings and obedience to its writs of subpoena as is by law conferred upon the district court for like purposes.

**90.23 Findings and report.** The board shall as soon as practical visit the place where the dispute exists and make careful inquiry into its cause. The board shall hear all interested persons who come before it and advise the respective parties concerning the courses of action to adjust the dispute, and shall put in writing its findings and recommendations. A copy of such report shall be filed by the board secretary in the office of the clerk of the city or town in which the dispute arose and shall be open for public inspection. All hearings shall be open to the public and press.

**90.24 Time limit.** The board of arbitration and conciliation shall within twenty days from the date of their appointment, unless such time shall be extended by the judge, complete the investigation of any dispute submitted to them.

**90.25 Decision.** Within five days after the completion of the investigation, unless the time is extended by the judge for good cause shown, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the point disposed of by them, and make a written report to the judge of their findings of fact and of their recommendation to each party to the controversy.

**90.26 Filing.** Every decision and report shall be filed in the office of the clerk of the district court of the county in which the dispute arose, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the commissioner, who shall cause such decision and report to be published in at least one newspaper in the city or town in which the dispute arose. All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the clerk of the district court.

**90.27 Nature of decision.** A decision or report shall be advisory only and shall not be binding on either party.

## CHAPTER 91

### BUREAU OF LABOR

- 91.1 Labor Commissioner.
- 91.2 Appointment.
- 91.3 Vacancies.
- 91.4 Industrial statistics and information.
- 91.5 Other duties – jurisdiction in general.
- 91.6 Appointment of inspectors.
- 91.7 Woman inspector – duties.
- 91.8 Traveling expenses – limitation.
- 91.9 Right to enter premises.
- 91.10 Power to secure evidence.
- 91.11 Prosecutions for violations.
- 91.12 Reports to bureau.
- 91.13 Repealed.
- 91.14 Reports and records preserved – when destroyed.
- 91.15 Definition of terms.
- 91.16 Violations – penalties.
- 91.17 Acceptance of federal Act.
- 91.18 State agency.

**91.1 Labor commissioner.** The bureau of labor shall be under the control of a labor commissioner, who shall have his office at the seat of government and shall devote his entire time to the duties of his office.

**91.2 Appointment.** The governor shall, within sixty days after the organization of the regular session of the general assembly in 1925, and each two years thereafter, appoint, with the approval of two-thirds of the members of the senate, a labor commissioner who shall serve for a period of two years from July 1 of the year of appointment.

**91.3 Vacancies.** A vacancy in said position which may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes in regular session. Prior to the expiration of said thirty days the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term.

Vacancies occurring during the session of the general assembly shall be filled as regular appointments are filled and before the end of said session and for the unexpired portion of the regular term.

**91.4 Industrial statistics and information.** The duties of said commissioner shall be:

1. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into his hands by virtue of his office, and deliver the same to his successor, except as otherwise provided.

2. To collect, assort, and systematize statistical details relating to all departments of labor in the state, especially in its relation to the commercial, social, educational, and sanitary conditions surrounding the laboring classes, the means of escape from, and the protection of life and health in factories, the employment of children, the number of hours of labor exacted from them and from women, and to the permanent prosperity of the mechanical, manufacturing, and productive industries of the state.

3. To collect as fully as practicable such information and reliable reports from each county in the state, the amount and condition of the mechanical and manufacturing interests, the value and location of the various manufacturing and coal productions of the state, also sites offering natural or acquired advantages for the profitable location and operation of different branches of industry; he shall by correspondence with interested parties in other parts of the United States, impart to them such information as may tend to induce the location of mechanical and producing plants within the state, together with such other information as shall tend to increase the productions, and consequent employment of producers.

4. To submit the foregoing statistics and information to the governor in biennial reports in which he shall give a statement of the business of the bureau since the last regular report, and shall compile therein such information as may be considered of value to the industrial interests of the state, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices, wages earned, the savings from the same, with age and sex of laborers employed, the number and character of accidents, the sanitary condition of institutions where labor is employed, the proportion of married laborers and mechanics who live in rented houses, with the average annual rental, and the value of property owned by laborers and mechanics; to include in such report what progress has been made with schools now in operation for the instruction of students in the mechanic arts, and what systems have been found most practical, with details thereof.

5. To issue from time to time, with the consent of the executive council, bulletins containing information of importance to the industries of the state and to the safety of wage earners.

6. To conduct and to co-operate with other interested persons and organizations in conducting educational programs and projects on employment safety.

**91.5 Other duties – jurisdiction in general.** The commissioner shall have jurisdiction and it shall be his duty to supervise the enforcement of:

1. All laws relating to safety appliances and inspection thereof and health conditions in manufacturing and mercantile establishments, workshops, machine shops, and other industrial concerns within his jurisdiction.

2. All laws of the state relating to child labor.

3. All laws relating to the state free employment bureau\* and employment agencies.

4. Such other provisions of law as are now or shall hereafter be within his jurisdiction.

**91.6 Appointment of inspectors.** The appointment, by the commissioner, of all factory inspectors shall be subject to the approval of the executive council.

**91.7 Woman inspector – duties.** One of the factory inspectors in the bureau of labor shall be a woman, who shall inspect the sanitary and general conditions of all factories, workshops, hotels, cafes, restaurants, stores, and all other establishments and places where women and children are employed; collect statistics and report the same to the commissioner with such recommendations as she believes will improve working conditions of women and children, and to which the commissioner shall make special reference in his biennial reports to the governor. She shall perform such other services under the direction of the commissioner as will tend to promote the health and general welfare of the women and children employed in the industries within the state.

**91.8 Traveling expenses – limitation.** The commissioner, inspectors, and other employees of the office shall be allowed their necessary traveling expenses while in the discharge of their duties. Such expense in the aggregate, exclusive of salaries, shall not exceed the sum of four thousand dollars per annum.

**91.9 Right to enter premises.** The labor commissioner and the inspectors shall have the power to enter any factory or mill, workshop, mine, store, business house, public or private work, when the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this chapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

**91.10 Power to secure evidence.** The labor commissioner and his deputy shall have the power to issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of them, said testimony to be taken in some suitable place in the vicinity to which testimony is applicable. No witness shall be compelled by such subpoena to go outside the county of his residence, except when the hearing is in a county adjoining the county of his residence, then he shall be required to obey such subpoena. Witnesses subpoenaed

and testifying before the commissioner or an inspector shall be paid the same fees as witnesses before a justice's court, such payment to be made out of the general funds of the state on voucher by the commissioner, but such expense for witnesses shall not exceed one hundred dollars annually.

**91.11 Prosecutions for violations.** If the commissioner or an inspector shall learn of any violation of, or neglect to comply with the law in respect to the employment of children, or in respect to fire escapes, or the safety of employees, or for the preservation of health, such officer may give the county attorney of the county in which such factory or building is situated, written notice of the facts, whereupon that officer shall institute the proper proceedings against the person guilty of such offense or neglect.

If the commissioner or inspector is of the opinion that such violation or neglect is not willful, or is an oversight or of a trivial nature, he may in his discretion fix a time within which the defect or evil may be corrected and notify the owner, operator, superintendent, or person in charge, and if corrected within the time fixed, then the commissioner or inspector shall not cause prosecution to be begun.

**91.12 Reports to bureau.** It shall be the duty of every owner, operator, or manager of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment where labor is employed, as herein provided, to make to the bureau, upon blanks furnished by the commissioner, such reports and returns as he may require for the purpose of compiling such labor statistics as are contemplated in this chapter; and the owner, operator, or business manager shall make such reports or returns within sixty days from the receipt of blanks furnished by the commissioner, and shall certify under oath to the correctness of the same.

**91.13 Repealed.**

**91.14 Reports and records preserved – when destroyed.** No report or return made to said bureau in accordance with the provisions of this chapter, and no schedule, record, or document gathered or returned by its officers or employees, shall be destroyed within two years after the collection or receipt thereof. At the expiration of two years all records, schedules, or papers accumulating in said bureau during said period that may be considered of no value by the commissioner may be destroyed by authority of the executive council first obtained.

**91.15 Definition of terms.** The expressions "factory", "mill", "workshop", "mine", "store", "business house", and "public or private work", as used in this chapter, shall be construed to mean any factory, mill,

workshop, mine, store, business house, public or private work, where wage earners are employed for a compensation.

**91.16 Violations – penalties.** Persons violating any of the provisions of this chapter shall be punished as in this section provided, respectively:

1. Any owner, superintendent, manager, or person in charge of any factory, mill, workshop, store, mine, hotel, restaurant, cafe, business house, public or private work, who shall refuse to allow the commissioner of labor or any inspector or employee of the bureau of labor to enter the same, or who shall hinder or deter him in collecting information which it is his duty to collect shall be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding thirty days.

2. Any person duly subpoenaed to attend a hearing before the commissioner or deputy or a court in any proceeding provided by this chapter who shall willfully neglect or refuse to attend or testify at the time and place named in the subpoena shall be fined not exceeding fifty dollars or imprisoned in the county jail not exceeding thirty days.

3. Any officer or employee of the bureau of labor, or any person making unlawful use of names or information obtained by virtue of his office, shall be fined not exceeding five hundred dollars or imprisoned in the county jail not exceeding one year.

4. Any owner, operator, or manager of a factory, mill, workshop, mine, store, business house, public or private work, who shall neglect or refuse for thirty days after receipt of notice from the commissioner to furnish any reports or returns he may require to enable him to discharge his duties shall be fined not to exceed one hundred dollars or imprisoned in the county jail not to exceed thirty days.

**91.17 Acceptance of federal Act.** The state of Iowa hereby accepts the provisions of the Act of Congress approved June 6, 1933, (29 USC, §49 et seq.) entitled, "An Act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes."

**91.18 State agency.** The state bureau of labor is hereby designated and constituted the agency of the state for the purposes of such Act (29 USC, §49 et seq.) with full power to co-operate with all authorities of the United States having powers or duties under such Act and to do and perform all things necessary to secure to the state the benefits of such Act in the promotion and maintenance of a system of public employment offices.

## CHAPTER 92

### CHILD LABOR

- 92.1 Child labor – age limit – exception.
- 92.2 Hours of labor – noon intermission.
- 92.3 Where part-time school prevails.
- 92.4 Cleaning or operating machinery.
- 92.5 Permit for child labor.
- 92.6 Labor permit – how obtained.
- 92.7 What permit shall show.
- 92.8 Duplicate permit filed.
- 92.9 Superintendent of public instruction.
- 92.10 Authority of officers.
- 92.11 Life, health, or morals endangered.
- 92.12 Street occupations forbidden.
- 92.13 Street occupations for boys.
- 92.14 Night work prohibited.
- 92.15 Violations – penalties.
- 92.16 Enforcement – duties of officers.  
Migratory Labor. No parent or other person . . .  
employment in agriculture.

**92.1 Child labor – age limit – exception.** No person under fourteen years of age shall be employed with or without compensation in any mine, manufacturing establishment, factory, mill, shop, laundry, slaughter house, or packing house, or in any store or mercantile establishment where more than eight persons are employed, or in any livery stable, garage, place of amusement, or in the distribution or transmission of merchandise or messages; but nothing in this section shall be construed as prohibiting any child from working in any of the above establishments or occupations when operated by his parents.

**92.2 Hours of labor – noon intermission.** No person under sixteen years of age shall be employed at any of the places or in any of the occupations specified in section 92.1 before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening, and if such person is employed exceeding five hours of each day, a noon intermission of not less than thirty minutes shall be given between the hours of eleven and one o'clock, and such person shall not be employed more than eight hours in any one day, exclusive of the noon hour intermission; nor shall any such person be employed more than forty-eight hours in any one week.

**92.3 Where part-time school prevails.** When in any organized school district there shall have been established a part-time school, department, or class, no person under sixteen years of age shall be employed for more than forty hours in any one week.

**92.4 Cleaning or operating machinery.** The following acts shall be unlawful:

1. Directing or permitting any boy under sixteen or girl under eighteen years of age to clean machinery while it is in motion.

2. Permitting any boy or girl under sixteen years of age to operate or assist in operating any freight or passenger elevator.

3. Permitting any boy or girl under sixteen years of age to operate or assist in operating dangerous machinery; but this provision shall not apply to pupils working under an instructor in manual training departments in public schools of the state or under an instructor in a school, shop, or industrial plant, in a course of vocational education approved by the state board for vocational education.

**92.5 Permit for child labor.** No child under sixteen years of age shall be employed, permitted, or suffered to work in or in connection with any of the establishments or occupations mentioned in section 92.1 unless the person, firm, or corporation employing such child procures and keeps on file, accessible to any officer charged with the enforcement of this chapter, a work permit issued as hereinafter provided, and keeps two complete lists of the names and ages of all such children under sixteen years of age employed in or for such establishments or in such occupations, one on file in the office and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

On termination of the employment of a child whose permit is on file, such permit shall be returned by the employer within two days to the officer who issued it with a statement of the reasons for the termination of such employment.

A work permit shall be issued for every position obtained by a child between the ages of fourteen and sixteen years. The permit in no case shall be issued to the child, parent, guardian, or custodian, but to its prospective employer.

**92.6 Labor permit – how obtained.** A work permit shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized in writing by the local school board in the community where such child resides, upon the application of the parent, guardian, or custodian of the child desiring such permit. The person authorized to issue work permits shall not issue any such permit, except as provided in sections 92.12 and 92.13, until he has received, examined, approved, and filed:

1. A written agreement from the person, firm, or corporation into whose service the child under sixteen years of age is about to enter, promising to give such child employment, describing the work to be performed and

agreeing to return the work permit of such child to the office from which it was issued within two days after the termination of the employment of such child.

2. The school record of such child filled out and signed by the superintendent of the school which such child has last attended certifying that the child is able to read intelligently and write legibly simple sentences in the English language and has completed a course of study equivalent to six yearly grades in reading, writing, spelling, English language, geography, and arithmetic. Such school records shall give also the name, date of birth, and residence of the child as shown on the records of the school and also the name of its parent, guardian, or custodian. In exceptional cases where a child is strong, healthy, and well developed physically, superintendents or local school boards may, with the approval of the labor commissioner, issue permits for boys and girls between the ages of fourteen and sixteen, with less educational acquirements, good for vacation only.

3. A certificate signed by a medical inspector of schools, or if there be no such inspector, then by a physician appointed by the board of education, certifying that the applicant for the work permit has reached the normal development of a child of its age and is in sufficiently sound health and physically able to perform the work for which the permit is sought.

4. Evidence of age showing that the child is fourteen years old, or more, which shall consist of one of the following proofs required in the order herein designated as follows:

a. A transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births.

b. A passport or a transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

c. A school census record.

d. In cases where none of the above named proofs are obtainable, a certificate signed by the local medical inspector of schools, or if there be no such inspector, then by a physician appointed by the local board of education, certifying that in his opinion the applicant for the work permit is fourteen years of age or more.

**92.7 What permit shall show.** Every such work permit shall state the name, sex, the date and place of birth, the residence of the child in whose name it is issued, the color of hair and eyes, the height and weight, the proof of age, the school grade completed, the name and location of the establishment where the child is to be employed, the work for which the permit is issued, that the papers required for its issuance have been duly examined, approved, and filed, and that the person named

therein has personally appeared before the officer issuing the permit and has been examined.

**92.8 Duplicate permit filed.** A duplicate of every such work permit issued shall be filled out and forwarded to the office of the labor commissioner between the first and the tenth day of the month following the month in which it is issued.

**92.9 Superintendent of public instruction.** The blank forms for the work permit, the employer's agreement, the school record, and the physician's certificate shall be formulated by the superintendent of public instruction and furnished by him to the local school authorities.

**92.10 Authority of officers.** Any officer whose duty it is to enforce the provisions of this chapter shall have authority to demand of any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed, permitted, or suffered to work, and whose permit is not filed as required by this chapter, that such employer shall either furnish him within ten days the same documentary evidence of age of such child as is required upon the issuance of a work permit, or shall cease to employ or permit or suffer such child to work in such place or establishment.

**92.11 Life, health, or morals endangered.** No person under sixteen years of age shall be employed at any work or occupation which, by reason of its nature or the place of employment, the health of such person may be injured, or morals depraved, or at any work in which the handling or use of gunpowder, dynamite, or other like explosive is required, or in or about any mine during the school term, or in or about any hotel, cafe, restaurant, bowling alley, pool or billiard room, cigar store, barber shop, or in any occupation dangerous to life or limb.

No female under twenty-one years of age shall be employed in any capacity where the duties of such employment compel her to remain constantly standing.

**92.12 Street occupations forbidden.** No boy under eleven years of age nor girl under eighteen years of age shall be employed, permitted, or suffered to work at any time in any city of ten thousand or more inhabitants within this state in or in connection with the street occupations of peddling, bootblackening, the distribution or sale of newspapers, magazines, periodicals, or circulars, nor in any other occupations in any street or public place, except that in such cities, the superintendent of schools or person authorized by him, upon sufficient showing made by a judge of the superior, municipal, or juvenile court, may, in exceptional cases, issue a permit to a boy under eleven years of age.

**92.13 Street occupations for boys.** No boy between eleven and sixteen years of age shall be employed or permitted to work in any such city in connection with any of the occupations mentioned in section 92.12 unless he complies with all the requirements for the issuance of work permits as described in this chapter except the filing of an employer's agreement, but the school record so required shall certify only that the boy is regularly attending school and that the work in which he wishes to engage will not interfere with his progress at school. Upon compliance with these requirements such boy shall be entitled to receive from the officer authorized to issue work permits a badge which shall authorize such boy to engage in the above-mentioned occupations at such time or times, between four a.m. and seven-thirty p.m. each day, as the public schools of the city or district where such boy resides are not in session, but at no other time, except that during the summer school vacation such boy may engage in such occupation until the hour of eight-thirty p.m. All such badges issued in the same calendar year shall be of the same color, which color shall be changed each year, and shall become void upon the first day of January following their issuance.

**92.14 Night work prohibited.** No person under eighteen years of age shall be employed in the transmission, distribution, or delivery of goods or messages between the hours of ten in the evening and five in the morning in any city of ten thousand or more inhabitants.

**92.15 Violations – penalties.** Any parent, guardian, or other person, who having under his control any person under sixteen years of age causes or permits said person to work or be employed in violation of the provisions of this chapter, or any person making, certifying to, or causing to be made or certified to, any statement, certificate, or other paper for the purpose of procuring the employment of any person in violation of said provisions, or who makes, files, executes, or delivers any such statement, certificate, or other paper containing any false statement for the purpose of procuring the employment of any person in violation of this chapter, or for the purpose of concealing the violation thereof in such employment, and any person, firm, or corporation, or the agent, manager, superintendent, or officer of any person, firm, or corporation, whether for himself or such person, firm, corporation, either by himself or acting through any agent, foreman, superintendent, or manager, who employs any person, or permits any person to be employed in violation of the provisions of this chapter, or who shall refuse to allow any authorized officer or person to inspect any place of business under said provisions, if demand is made therefor at any time during business hours, or who shall willfully obstruct such officer or person while making such inspection, or who shall fail to keep posted the lists

containing the names of persons employed under sixteen years of age and other information as required by this chapter, or who shall knowingly insert any false statement in such list, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days.

The parent or person in charge of any child who shall engage in any street occupation in violation of any of the provisions of this chapter shall be punished by a fine of not more than fifteen dollars.

Whoever furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this chapter relating to street occupations, shall be punished by a fine of not less than fifteen dollars nor more than one hundred dollars for each offense.

Whoever violates any other provision of this chapter, shall be fined not to exceed one hundred dollars.

**92.16 Enforcement – duties of officers.** It shall be the duty of the labor commissioner, his deputies, inspectors, and assistants, to enforce the provisions of this chapter. It shall also be the duty of all mayors and police officers, town and city marshals, sheriffs and their deputies, school superintendents, school truant and attendance officers, within their several jurisdictions, to co-operate in the enforcement of such provisions and furnish the labor commissioner, his deputies and assistants all information coming to their knowledge regarding any violations of such provisions. All such officers and any person authorized in writing by any court of record shall have authority to enter for purposes of investigation any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of such provisions.

It shall be the duty of county attorneys to investigate all complaints made to them of violations of any such provisions, and to prosecute all such cases of violation within their respective counties.

#### **Chapter 116, Section 1, 62nd G.A. Session Laws**

**Migratory Labor –** No parent or other person – employment in agriculture.

“No parent or other person having the custody of a child shall permit, and no employer shall knowingly permit, a child under the age of ten (10) years to be engaged, with or without compensation, as a migratory agricultural laborer. No parent or other person having the custody of a child shall permit, and no employer shall knowingly permit, a child under the age of fourteen (14) years to be engaged as a migratory agricultural laborer on any day prior to or during the regular school hours of any private or public school which teaches general education subjects and which is available to such child. As used in

this section, the term 'migratory agricultural laborer' shall include any person who customarily and repeatedly travels from state to state for the purpose of obtaining seasonal employment in agriculture."

Approved June 30, 1967.

## CHAPTER 94

### STATE EMPLOYMENT AGENCIES

- 94.5 Failure to procure employment.
- 94.6 Limitation of fee.
- 94.7 \*Unlawful practices – civil liability.
- 94.8 Copy of application or agreement.
- 94.9 Division of fees prohibited.
- 94.10 Records required.
- 94.11 Investigation by labor commissioner.
- 94.12 Violations.

**94.5 Failure to procure employment.** Every person, firm, or corporation who shall agree or promise, or who shall advertise through the public press, or by letter, to furnish employment or situations to any person or persons, and in pursuance of such advertisement, agreement, or promise, shall receive any money, personal property, or other valuable thing whatsoever, and who shall fail to procure for such person or persons acceptable situations or employment as agreed upon, within the time stated or agreed upon, or if no time be specified then within a reasonable time, shall upon demand return all such money, personal property, or valuable consideration of whatever character. The provisions of this section, however, shall not apply to registration fees of one dollar or less.

**94.6 Limitation of fee.** No such person, firm, or corporation shall charge a fee for the furnishing or procurement of any situation or employment paying less than two hundred fifty dollars (\$250.00) per month which shall exceed twenty-five percent (25%) of the wages paid for the first month of any such employment or situation furnished or procured, but in no event shall the charge for the furnishing or procurement of any situation or employment be in excess of five percent (5%) of the annual gross earnings. The provisions of this section shall not apply to the furnishing or procurement of vaudeville acts, circus acts, theatrical, stage, or platform attractions or amusement enterprises.

**94.7 Unlawful practices – civil liability.** No person, firm, or corporation shall send an application for employment to an employer who has not applied to such person, firm, or corporation for help or labor. Nor shall any person, firm, or corporation engaged in the business of operating an employment agency or bureau, fraudulently promise or deceive either through a false notice or advertisement or other means, any applicant for help or employment with regard to the service to be rendered by such person, firm, corporation, agency, or bureau. Any person who violates any of the provisions of this section shall be liable in a civil suit for damages to any person who is damaged or injured thereby and shall also be guilty

of a misdemeanor, and upon conviction, shall be punished as provided in section 94.12.

**94.8 Copy of application or agreement.** It shall be unlawful for any person, firm, or corporation to receive any application for employment from, or enter into any agreement with, any person to furnish or procure for said person any employment unless there is delivered to such person making such application or contract, at the time of the making thereof, a true and full copy of such application or agreement, which application or agreement shall specify the fee or consideration to be paid by the applicant.

**94.9 Division of fees prohibited.** It shall be unlawful for any person, firm, or corporation, or any person employed or authorized by such person, firm, or corporation, to receive any part of any fee or any percentage of wages or any compensation of any kind whatever, that is agreed upon to be paid by any such employee to any employment bureau or agency for services rendered to any such employee in procuring for him employment with such person, firm, or corporation.

**94.10 Records required.** Every person, firm, or corporation operating an employment agency or engaged in the business of finding employment for others, for which any fee is charged, shall keep a record of the applications received and what, if any, employment was found or furnished to the applicant, giving the name of each applicant and the name and address of his employer, if employment is found, and the fee charged each applicant.

**94.11 Investigation by labor commissioner.** The labor commissioner, his deputy or inspectors, and the chief clerk of the bureau shall have authority to examine at any time the records, books, and any papers relating in any way to the conduct of any employment agency or bureau within the state, and must investigate any complaint made against any such employment agency or bureau, and if any violations of law are found he shall at once file or cause to be filed, an information against any person, firm, or corporation guilty of such violation of law.

**94.12 Violations.** Any person, firm, or corporation violating any of the provisions of this chapter, or who shall refuse access to records, books, or other papers relative to the conduct of such agency or bureau, to any person having authority to examine same, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not to exceed thirty days.

## CHAPTER 95

### LICENSE FOR EMPLOYMENT AGENCIES

- 95.1 License.
- 95.2 Application.
- 95.3 Issuance or refusal.
- 95.4 Fee.
- 95.5 Revocation of license.
- 95.6 Violations.

**95.1 License.** Every person, firm, or corporation who shall keep or carry on an employment agency for the purpose of procuring or offering to procure help or employment, or the giving of information as to where help or employment may be procured either directly or through some other person or agency, and where a fee, privilege, or other thing of value is exacted, charged or received either directly or indirectly, for procuring, or assisting or promising to procure employment, work, engagement or situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee, privilege, or other thing of value is collected from the applicant for employment or the applicant for help, shall before transacting any such business whatsoever procure a license from a commission, consisting of the secretary of state, the industrial commissioner, and the labor commissioner, all of whom shall serve without compensation.

**95.2 Application.** Application for such license shall be made in writing to the commission provided in section 95.1. It shall contain the name of the applicant, and if applicant be a firm, the names of the members, and if it be a corporation, the names of the officers thereof; and the name, number and address of the building and place where the employment agency is to be conducted. It shall be accompanied by the affidavits of at least two reputable citizens of the state in no way connected with applicant, certifying to the good moral character and reliability of the applicant, or, if a firm or corporation, of each of the members or officers thereof, and that the applicant is a citizen of the United States, if a natural person; also a surety company bond in the sum of two thousand dollars to be approved by the labor commissioner and conditioned to pay any damages that may accrue to any person or persons because of any wrongful act, or violation of law, on the part of applicant in the conduct of said business. There shall also be filed with the application a schedule of fees to be charged for services rendered to patrons, which schedule shall not be changed during the term of license without consent being first given by the commission.

Any person, firm, or corporation applying for a license, as provided in this chapter, to operate an employment agency for furnishing or procuring of em-

ployment shall furnish the commission with its contract form, which form shall distinctly provide that no fee or other thing of value in excess of one dollar shall be collected in advance of the procuring of employment and no license shall be issued unless such contract form contains such provision. Thereafter, any person, firm, or corporation to whom a license has been issued that violates this provision of its contract shall have his license cancelled.

**95.3 Issuance or refusal.** The commission shall fully investigate all applicants for the license required by section 95.1, and shall not issue any license earlier than one week after the application therefor is filed, provided, however, that the commission shall either grant or refuse such license within thirty days from the date of the filing of the application. All licenses issued under the provisions of this chapter shall expire on June 30 next succeeding their issuance.

**95.4 Fee.** The annual license fee shall be fifty dollars.

**95.5 Revocation of license.** The commission may revoke at any time any such a license issued by it upon good cause shown and when there has been a substantial violation of any of the provisions of law regulatory of such business.

**95.6 Violations.** Any person in any manner undertaking to do any of the things described in section 95.1, without first securing a license as herein provided, shall be guilty of a misdemeanor.

## CHAPTER 104

### PASSENGER AND FREIGHT ELEVATORS

- 104.1 General equipment.
- 104.2 Violations.
- 104.3 Ordinances.
- 104.4 Door or gate interlock.

**104.1 General equipment.** Every elevator and elevator opening and machinery connected therewith in every elevator, hoistway, hatchway, and wellhole shall be so constructed, guarded, equipped, maintained, and operated as to render it safe for the purposes for which it is used. Nothing herein contained shall be construed to apply to any elevator hoisting device and anything connected therewith coming under the jurisdiction of the state mine inspector.

**104.2 Violations.** Every person, firm, or corporation operating an elevator in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment.

**104.3 Ordinances.** Cities and towns are hereby empowered to enact ordinances providing for the inspections and regulation of the operation of such elevators and of the operators thereof.

**104.4 Door or gate interlock.** The hoistway doors and gates of all passenger elevators shall be equipped with an approved interlock (locking device), electrical, mechanical, or electromechanical, which will prevent the normal operation of the elevator car, unless the hoistway door at which the car is standing is closed and locked; or unless all hoistway doors are closed and locked; and second, shall prevent opening the hoistway door from the landing side except by a key or special mechanism; unless the car is standing at the landing door; or unless the car is coasting past the landing with its operative device in the "Stop" position. The interlock shall not prevent the movement of the car when the emergency release is in temporary use or when the car is being moved by a car-leveling device.

## CHAPTER 736A

### LABOR UNION MEMBERSHIP

- 736A.1 Right to join union.
- 736A.2 Refusal to employ prohibited.
- 736A.3 Contracts to exclude unlawful.
- 736A.4 Union dues as prerequisite to employment – prohibited.
- 736A.5 Deducting dues from pay unlawful.
- 736A.6 Penalty.
- 736A.7 Injunction.
- 736A.8 Exception.

**736A.1 Right to join union.** It is declared to be the policy of the state of Iowa that no person within its boundaries shall be deprived of the right to work at his chosen occupation for any employer because of membership in, affiliation with, withdrawal or expulsion from, or refusal to join, any labor union, organization, or association, and any contract which contravenes this policy is illegal and void. (C50, 54, 58, 62, § 736A.1)

**736A.2 Refusal to employ prohibited.** It shall be unlawful for any person, firm, association or corporation to refuse or deny employment to any person because of membership in, or affiliation with, or resignation or withdrawal from, a labor union, organization or association, or because of refusal to join or affiliate with a labor union, organization or association. (C50, 54, 58, 62, § 736A.2)

**736A.3 Contracts to exclude unlawful.** It shall be unlawful for any person, firm, association, corporation or labor organization to enter into any understanding, contract, or agreement, whether written or oral, to exclude from employment members of a labor union, organization or association, or persons who do not belong to, or who refuse to join, a labor union, organization or association, or because of resignation or withdrawal therefrom. (C50, 54, 58, 62, § 736A.3)

**736A.4 Union dues as prerequisite to employment – prohibited.** It shall be unlawful for any person, firm, association, labor organization or corporation, or political subdivision, either directly or indirectly, or in any manner or by any means as a prerequisite to or a condition of employment to require any person to pay dues, charges, fees, contributions, fines or assessments to any labor union, labor association or labor organization. (C50, 54, 58, 62, § 736A.4)

**736A.5 Deducting dues from pay unlawful.** It shall be unlawful for any person, firm, association, labor organization or corporation to deduct labor organization dues, charges, fees, contributions, fines or assessments

from an employee's earnings, wages or compensation, unless the employer has first been presented with an individual written order therefor signed by the employee, which written order shall be terminable at any time by the employee giving at least thirty days written notice of such termination to the employer. (C50, 54, 58, 62, §736A.5; 58GA, ch 370, 1)

**736A.6 Penalty.** Any person, firm, association, labor organization, or corporation or any director, officer, representative, agent or member thereof, who shall violate any of the provisions of this chapter or who shall aid and abet in such violation shall be deemed guilty of a misdemeanor. (C50, 54, 58, 62, §736A.6)

**736A.7 Injunction.** Additional to the penal provisions of this chapter, any person, firm, corporation, association, or any labor union, labor association or labor organization, or any officer, representative, agent or member thereof may be restrained by injunction from doing or continuing to do any of the matters and things prohibited by this chapter, and all of the provisions of the law relating to the granting of restraining orders and injunctions, either temporary or permanent, shall be applicable. (C50, 54, 58, 62, §736A.7)

**736A.8 Exception.** The provisions of this chapter shall not apply to employers or employees covered by the federal Railroad Labor Act. (C50, 54, 58, 62, §736A.8)

## CHAPTER 736B

### LABOR BOYCOTTS AND STRIKES

- 736B.1 Contracting to boycott or strike in sympathy.
- 736B.2 Carrying out boycott or strike.
- 736B.3 Jurisdictional strike or slow-down.
- 736B.4 Penalty.
- 736B.5 Injunction.
- 736B.6 Hiring professional strikebreakers prohibited.

**736B.1 Contracting to boycott or strike in sympathy.** It shall be unlawful for any labor union, association or organization, or the officers, representatives, agents or members thereof, to enter into any contract, agreement, arrangement, combination or conspiracy for the purpose of, by strikes or threats of strikes, by violence or threats of violence, by coercion, or by concerted refusal to make, manufacture, assemble, or use, handle, transport, deliver or otherwise deal with any articles, products or materials:

1. To force or require any person, firm or corporation to cease using, selling, handling, transporting or dealing in the goods or products of any other person, firm or corporation, or

2. To force or require any person, firm or corporation to cease selling, transporting or delivering goods or products to any other person, firm or corporation, or

3. To force or require any employer other than their own employer to recognize, deal with, comply with the demands of, or employ members of any labor union, association or organization, or

4. To force or require any employer to break an existing collective bargaining agreement which such employer may have with any labor union, association or organization. (C50, 54, 58, 62, §736B.1)

**736B.2 Carrying out boycott or strike.** It shall be unlawful for any labor union, association or organization, or the officers, representatives, agents, or a member or members thereof to carry out or attempt to carry out in this state any contract, agreement, arrangement, combination or conspiracy declared unlawful in section 736B.1. (C50, 54, 58, 62, §736B.2)

**736B.3 Jurisdictional strike or slow-down.** It shall be unlawful for any labor union, group, association or organization, or the officers, representatives, agents or members thereof, to cause a stoppage or slow-down of the work or a part of the work of an employer because of a dispute between labor unions, groups, associations or organizations, or the officers, representatives, agents or members thereof, with respect to jurisdiction over, or the right to do the work or a part of the work of such employer. (C50, 54, 58, 62, §736B.3)

**736B.4 Penalty.** Any person, or any labor union,

labor association or labor organization or any officer, representative, agent or member thereof who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for a period of not more than thirty days. (C50, 54, 58, 62, §736B.4)

**736B.5 Injunction.** Additionally to the penal provisions of this chapter, any person, or any labor union, labor association or labor organization or any officer, representative, agent or member thereof may be restrained by injunction from doing or continuing to do any of the matters and things prohibited by this chapter, and all of the provisions of the law relating to the granting of restraining orders and injunctions, either temporary or permanent, shall be applicable. (C50, 54, 58, 62, §736B.5)

**736B.6 Hiring professional strikebreakers prohibited.** It shall be unlawful for any person, persons, partnership, agency, firm, or corporation, or agent thereof:

1. Unless directly involved in a labor dispute, to knowingly recruit, procure, supply or refer for employment in the place of employees involved in such labor disputes any person or persons who customarily or repeatedly offer themselves as replacements for employees involved in labor disputes.

2. If directly involved in a labor dispute, to knowingly employ in place of employees involved in such dispute persons who customarily or repeatedly offer themselves as replacements for employees involved in labor disputes.

3. To solicit or advertise for employees to replace employees involved in a labor dispute without notice in such solicitation or advertisement that the employment offered is in place of employees engaged in a labor dispute.

4. To enter into an agreement, contract or arrangement with other persons, partnerships, agencies, firms or corporations, or agents thereof, to commit acts prohibited by subsections 1, 2 or 3 of this section. (61GA, ch 442, §1)



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