

LABOR

IOWA HOUSE OF REPRESENTATIVES

END OF SESSION, 2010

**WORKFORCE
ADJUSTMENT AND
RETRAINING
NOTIFICATION (WARN)**

House File 681 establishes an Iowa WARN Act. It requires employers of 25 or more full-time people to notify employees, or their representatives, and the department of workforce development of business closings that result in a layoff of 25 or more full-time employees in a 30-day period. The bill applies to public and private employers. Among the exemptions are faltering companies or unforeseeable business circumstances, a natural disaster, or if a faltering company that is not closing and has realistic opportunity to obtain the financing. The 30-day notice could be delayed due to severance pay, and the definition of a part-time employee under a collective bargaining agreement would be allowed to supersede the bill's definition. If an employer hires temporary workers to replace employees during the course of a strike or lockout, and later terminates these temporary workers at the conclusion of the strike or lockout, an employer is not required to serve notice to the terminated temporary workers. (HF 681, Signed by Governor, Effective July 1, 2010)

**EMPLOYEE
MISCLASSIFICATION**

House File 2531 allows the Department of Revenue to share information related to tax records with Workforce Development, to help them review potential violators under their employee misclassification unit. They are tasked with educating the business community on the issues of employee misclassification and to properly investigate those suspected of improperly classifying their workers as "independent contractors." Their results include:

- 116 employers misclassified almost 900 workers
- Total unreported wages were over \$15.5 million
- Total unemployment taxes due were \$556,000
- Total unemployment penalties and interest due were over \$156,000.

Due to this shared information, significant unreported taxes owed the state of Iowa through the program would be addressed. (HF 2531, Sent to Governor, Effective July 1, 2010)

**WORKER AND PUBLIC
SAFETY**

Senate File 2181 makes technical corrections to OSHA and code sections on elevators, boilers, and child labor. It replaces obsolete provisions concerning the adoption of OSHA standards with contemporary rule making standards. Per recommendations of the Boiler Pressure Vessel Board, it removes an internal inspection certain type of boiler without an inspection plate and it allows the board to write rules governing conversion of power boilers to low-pressure boilers. It removes requirements for both youth migrant labor permits and regular youth labor permits that require applicants under 14 to obtain a certificate from a registered nurse or physician. (SF 2181, Signed by Governor, Effective July 1, 2010)

**COLLECTIVE BARGAINING
AND TECHNICAL CHANGES
TO CHAPTER 20**

House File 2485 makes changes to Iowa's Collective Bargaining law. Chapter 20 has remained virtually untouched since the law went into effect in 1975, and thus the bill makes technical corrections that are needed in the law, including spelling errors, elimination of redundancies, and updates to reflect current practice. It removes fact finding as a step in the statutory impasse procedures and changes the legal standard in refusing to negotiate in good faith or engage in other prohibited conduct. A date is set in House File 2531 for an impasse procedure to commence of 120 days prior to the next federal fiscal year's budget. Without a budget certification date, employees in rural water districts have not been able to organize under Chapter 20. (HF 2485 and HF 2531, Sent to Governor, Effective July 1, 2010)

**MIXED MARTIAL ARTS
(MMA) REGULATED BY
THE LABOR
COMMISSIONER**

Senate File 2286 enhances enforcement of professional MMA events, and regulates amateur MMA events without any impact to the general fund. Currently the commissioner regulates professional Mixed Martial Arts (MMA) matches. Some professional MMA events escape regulation by claiming to be an amateur event, and enforcement mechanisms are weak. Over the past year, at least two incidents with amateur fights, one involving a 17-year old who was not provided emergency medical care, have raised issues with this increasingly popular sport. A participant would now have to be 18 under the bill. An event occurs if merchandise or refreshments are available for purchase. (SF 2286, Signed by Governor, Effective July 1, 2010)

**VOLUNTARY SHARED
WORK PROGRAM**

The Voluntary Shared Work Program allows an employer to apply to Workforce Development for a plan to reduce hours and prevent a mass lay off. Employees receive a percentage of their regular unemployment. Job search requirements are waived. Under Senate File 2279, a business participating in the Voluntary Shared Work Plan would be allowed to have more than one work plan in a 2-year period. (SF 2279, Signed by Governor, Effective July 1, 2010)