

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 647/Senate File 542	House Committee:	PASSED 3/1/23 (15-8)
Committee:	Commerce	House Floor:	
Floor Manager:	Rep. Dave Deyoe	Senate Floor:	PASSED 4/18/23 (32-17)
Date:	May 2, 2023	Governor:	
Staff:	Natalie Ginty (5-2063)		

Youth Employment

- This bill makes the following changes for work activities for those under 18 years of age:
 - Adds work activities for 14-year-olds (Section 3)
 - Adds work activities for 15-year-olds (Section 5)
 - Extends the timeframe for persons under 16 to work (Section 6)
 - Makes changes to the work prohibitions for 16 and 17-year-olds (Section 8)
 - Makes changes to work-based learning programs (Section 9)
 - Allows the DIAL Director to waive or reduce a civil penalty based on the evidence, and may allow for a 15-day grace period before imposing a civil penalty (Section 17)
 - Clarifies liability of students in work-based learning programs driving to and from work (Section 19)
 - Allows a retail alcohol licensee, that is not a bar, to employ a 16 or 17-year-old to sell and serve alcoholic beverages for on-site consumption if the licensee has on file written permission from the parent (Section 20)
 - Establishes an interim study committee on minor's driver licenses.

Section by Section Analysis

Section 1 (Iowa Code 92.3)

Prohibits those under fourteen years old from being employed or permitted to work with or without compensation in any work activity.

Section 2 (Iowa Code 92.4)

Strikes an exemption that allows 14 and 15-year-old migrant laborers during any hours when summer school is in session.

Section 3 (Iowa Code 92.5)

Adds to the list of allowed work activities for a 14-year-old to include:

- Cleaning with kitchen cleaning products with the use of personal protective equipment
- Use of a microwave
- Allows for momentary work in freezers and meat coolers when working with fruits and vegetables
- Loading and unloading from a vehicle light, non-power-driven hand tools (rakes, hand-held clippers, shovels, and brooms) and personal protective equipment that the 14-year-old will use at the work activity. Makes clear that trash, sales kits, promotion items or items for sale, lawn mowers, and other power-driven law maintenance equipment is not allowed.

- Laundering
- Work in the productive of seed, such as off-type plants and corn tassels and hand-pollinating from June 1 through Labor Day.

Section 4 (Iowa Code 92.6)

Strikes the disallowed work activities for 14 and 15-year olds of working in freezers and meat coolers and all work in preparation of meats, and also strikes the disallowed work activity of laundering.

Section 5 – New Section (Iowa Code 92.6A)

Establishes new work activities 15-year-olds are allowed to do. These include:

- All work activities allowed of 14-year-olds
- Loading and unloading non-power-driven equipment, groceries, stocking shelves with items weighing up to 30 pounds. Allows the DIAL Director to provide a waiver to go up to 50 pounds depending on the strength and ability of the 15-year-old.
- Lifeguard or be a swim instructor at a licensed swimming pool or amusement park
- Allows the DIAL Director to issue a waiver for a 15-year-old to load and unload power-driven lawn machines based on the ability of the minor, the supervision, and the machine being powered off without the safety key.
- Allows the DIAL Director to issue a waiver for a 15-year-old to perform light assembly work as long as it is not performed near machines.

Section 6 (Iowa Code 92.7)

Extends the timeframe for persons under 16 to work from 7pm to 9pm, except during the period from June 1 to Labor Day when it is 11pm. Also increases the number of hours a person under 16 can work from 4 to 6 hours in one day while school is in session.

Section 7 – New Section (Iowa Code 92.7A)

Allows 16 and 17-year-olds to work the same hours as an 18-year-old.

Section 8 (Iowa Code 92.8)

Makes changes to the work prohibitions for 16 and 17-year-olds to allow for:

- Performance of light assembly work as long not near machines
- Selling or assisting in the sale of consumer fireworks
- Being a motor vehicle driver and helper
- Loading a baler if the machine is powered off and the key is stored in a separate area

This section also adds working in establishments where nude or topless dancing is performed to the list of prohibited work activities.

Section 9 – New Section (Iowa Code 92.8A)

Allows the director of workforce development or the director of education to grant an exception to the prohibited activities list for 14 and 17-year-olds and the hours of work for 14 to 17-year-olds participating in a work-based learning or a school or employer-administered, work-related program approved by IWD or DOE if the following apply:

- There is adequate supervision and training with safety precautions
- Does not interfere with the health, well-being, or schooling of the minor
- The work cannot include:
 - Mining

- Public messenger service
- Operating or tending of hoisting apparatus or of any power-driven machinery
- Work performed in boiler or engine rooms
- Outside window washing
- Work activities in or about plants or establishment manufacturing or storing explosives
- Logging
- Slaughtering and meat packing plants
- Exposure to lead fumes or dangerous dyes or chemicals
- Nude or topless dancing

Prohibitions to work for 16 and 17-year olds does not apply when:

- The student is in an approved work-based learning program, registered apprenticeship, career and technical education program, or student learner program
- The craft is recognized as an apprenticeship trade or there is a written employment agreement
- Hazardous activities are incidental to the apprentice's training
- The work is intermittent and for short periods of time
- Under direct and close supervision by a qualified and experienced person
- There are adequate on-the-job trainings and safety instructions
- The work cannot include:
 - Work activities in or about plants or establishment manufacturing or storing explosives
 - Logging
 - Mining
 - Slaughtering and meat packing plants
 - Exposure to lead fumes or dangerous dyes or chemicals
 - Nude or topless dancing

Requires written parental permission and from the school administering the program or employer for the minor to perform work under this section.

Section 10 (Iowa Code 92.17)

Strikes the exception on production of seed, which is moved to section 3 of the bill.

Section 11 (Iowa Code 92.17)

Conforming code changes

Section 12 (Iowa Code 92.17)

Revises the modeling exception to follow the same hour requirements for 14 and 15 year olds and require parental sign off.

Section 13 (Iowa Code 92.17)

Allows for children under 16 to participate in performances in motion pictures, theatrical productions, or musical performances with parental sign off.

Section 14 (Iowa Code 92.19)

Strikes violations to the Child Labor laws those that negligently or otherwise have false statements regarding a minor's employment.

Section 15 (Iowa Code 92.20)

Strikes penalties related to migratory workers or children engaged in street occupations.

Section 16 (Iowa Code 92.21)

Conforming code change

Section 17 (Iowa Code 92.22)

Allows the DIAL Director to waive or reduce a civil penalty based on the evidence, and may allow for a 15-day grace period before imposing a civil penalty.

Section 18 (Iowa Code 92.23)

Conforming code change

Section 19 – New Section (Iowa Code 92.24)

Defines “business” and “work-based learning program”.

Clarifies that businesses with a student working in a work-based learning program are not liable for actions by the student driving to and from the business unless the student was acting within the course and scope of the student’s employment. Also clarifies that workers comp covers injuries that occur in a work-based learning program.

Section 20 (Iowa Code 123.49)

Allows a retail alcohol licensee to employ a 16 or 17-year-old to sell and serve alcoholic beverages for on-site consumption if the licensee has on file written permission from the parent. The licensee cannot be a bar. The licensee must keep a copy of the written permission on file until the person turns 18 or is no longer engaged in the sale or serving of alcohol on site.

Section 21 – Repeal

Repeals the following code sections:

- 92.1 – Street occupations – migratory labor
- 92.2 – Over ten and under sixteen years of age
- 92.9 – Instruction and training permitted
- 92.10 – Permit on file
- 92.11 – Issuance of work permits
- 92.12 – migrant labor permits
- 92.13 – Optional refusal or permit
- 92.14 – Contents of work permit
- 92.15 – Application to labor commissioner
- 92.16 – Forms for permits formulated
- 92.18 – Migratory labor – defined

Section 22 – Interim Study Committee – Minor Driver’s License

Requests the legislative council establish an interim study committee to examine policy matters and make recommendation relating to licensed driving by persons between 14 and 18 years of age. The membership will include legislators from both parties and ex-officio departments as well as the insurance industry involved in this topic. A report is due from the study committee by December 15, 2023.

Amendment Analysis

H-1267 to HF467 by Deyoe – Conforming amendment to SF542.

H-1303 by Steckman – Strikes street occupation language, but maintains migratory work, increases certain allowed jobs from 10 to 11 years of age, requires work-based learning programs to be from a person holding a credential in the industry.

H-1337 by Deyoe – This amendment does the following:

- Doesn't allow for any of the prohibitions of 14 and 15 year-olds to be waived by the DOE or IWD for work-based learning programs.
- Requires work-based learning programs to provide training materials to parents
- Prohibits sex offenders from employing minors
- Adds the following requirements if 16 and 17-year-olds are serving alcohol in a restaurant:
 - Only during hours the restaurant is serving food
 - Two adults present
 - If the minor is harassed, it is reported to the parent and Iowa Civil Rights Commission
 - Sexual harassment training upon hiring
 - Report to dramshop insurer

H-1345 to H-1337 by Deyoe – Increases the age for the work-based learning and apprenticeship programs from 14 to 16.

H-1286 by Konfrst – Prohibits work based learning programs from including “work activities that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.” Prohibits 14 and 15-year olds in work based learning programs from operating power-driven woodworking machines, operating elevators and other power-driven hoisting apparatus, manufacturing of brick, tile, and related products, and operating circular saws, band saws, and guillotine shears (all covered in a different code section).

H-1283 by Cooling – Requires students in work-based learning programs to be trained on Iowa's OSHA code chapter and the federal OSHA requirements for their work. This amendment also requires the employer to participate in the federal volunteer protection program, and offers the student at least \$100 matching to a 529 plan and to a 401(k) plan.

H-1290 by Buck – Requires minors to have completed in-person vocational training at their school and have a passing score in a competency examination prior to being involved in a work-based learning program.

H-1308 by Cooling – Requires employers to make a good-faith effort to hire non-minors before being involved with a work-based learning program.

H-1291 by Konfrst – Prohibits the employment of anyone under 18 if the business does not maintain general liability insurance policy coverage.

H-1295 by Cooling – Prohibits an employer from requiring a urinalysis test without prior written consent of a parent.

H-1296 by Konfrst – Prohibits registered sex offenders and persons determined to be a sexually violent predator from employing a person under 18 years of age.

H-1300 by Konfrst – Prohibits a person from employing those under 18 if they have violated a law substantially similar to one in Iowa.

H-1281 by Scholten – Increases the unemployment maximum total amount of benefits payable from 16 weeks to 20 weeks, and increases the maximum benefit payable from 26 weeks to 33 weeks for individuals whose employers have gone out of business. **Revises the title.**

H-1284 by Cooling – Allows all individuals under 18 to have the right to collectively bargain with their employer.

H-1287 by Zabner – Requires the employer to pay the penalty for any OSHA violations, and the employee under 18 is not responsible for any of the payment.

H-1292 by Bagniewski – Allows parents and guardians to come unannounced and inspect their child's workplace at any time the business is open.

H-1293 by Bagniewski – Requires employers to provide all training materials parents

H-1294 by Bagniewski – Requires harassment of an individual under 18 to be reported to the parents and to the Iowa Civil Rights Commission.

H-1297 by Srinivas – Requires employers to post written notice when a person under 18 is working there. Prohibits sex offenders from being at that workplace and employers shall not allow such a person to be present at the workplace when the notice is posted.

H-1301 by Nielsen – Requires all employees have training on prevention and response to sexual harassment at least annually if they employ someone under 18.

H-1302 by Bagniewski – Requires employers to notify parents if there is an incident of violence at the workplace.

H-1309 by Cooling – Requires written permission on hand with the DIAL director for a minor to work the two additional hours allowed under this bill.

H-1340 by Cooling – Prohibits the state from entering contracts with egregious violators of the child labor code chapter. All competitive bids must disclose whether they have had a violation of the code chapter in the last 3 years. DIAL Director shall provide information to state agencies that ask questions.

H-1282 by Srinivas – Requires two adult employees to be physically present in order for a 16 or 17-year-old to serve or sell alcohol for consumption at a restaurant.

H-1285 by Bagniewski – Requires restaurants to notify their dram shop insurance if they are hiring a 16 or 17-year-old to serve alcohol

H-1288 by Konfrst – Requires the 16 or 17-year-old serving and selling alcohol to only be during hours that food is served at the restaurant.

H-1289 by Bagniewski – Prohibits the 16 or 17-year-old from serving and selling alcohol if the maximum capacity of the restaurant is 250 or more persons.

H-1298 by Cooling – States “in no case shall a licensee’s employee who is 16 or 17 years of age be guilty of selling alcoholic beverages to a person under legal age.” Increases the penalty for a licensee selling to an individual under age from \$1925 to \$2500.

H-1307 by Cooling – Adds to the definition of theft when a employer intentionally fails to pay an employee. **Revises the title.**

H-1341 by Sheetz – Revises the human trafficking code chapter by:

- Revises the “forced labor or services” definition by adding “implicitly or explicitly”
- Adds “removal of organs through the use of coercion or intimidation” to the definition of “human trafficking”
- Revises the definition of “Involuntary servitude” to not require “serious” harm.
- Revises the felony classifications throughout the code chapter
- Adds that consent of the victim is not an affirmative defense
- Revises the title