

Overview of Federal and Iowa State Employment Law and Requirements

Updated August 2013

This document is intended to provide an informational summary of federal and state employment law and should not be considered to be legal advice. You should consult with an attorney to obtain legal advice related to any particular situation.

State and Federal agencies sometimes have duplicate labor laws. In all cases, the employer must enforce the more stringent rule.

Americans with Disabilities Act – employers with more than 15 employees must provide qualified disabled individuals with equal access to employment opportunities as they would to a non-disabled individual. The act establishes definition of and requirement for reasonable accommodation to be provided to the disabled individual. Visit www.ada.gov for more information.

COBRA – requires employers to allow access to group health plan coverage to employees who would otherwise lose coverage. Employees generally pay the entire portion of the premium and can be covered under COBRA for up to 18-36 months, depending on the qualifying event. Learn more about COBRA here: <http://www.dol.gov/dol/topic/health-plans/cobra.htm>.

Employee Polygraph Protection Act – prohibits most private-sector employers from using pre-employment lie detector tests as screening tools, with limited exceptions. More information on the EPPA is available here: <http://www.dol.gov/compliance/laws/comp-eppa.htm>.

Employee Retirement Income Security Act – creates funding, reporting and operating rules for employers with employee welfare and pension benefit plans. Learn more about ERISA here: <http://www.dol.gov/compliance/laws/comp-erisa.htm>.

Fair Credit Reporting Act – employers may utilize credit reports when making an employment decision (hiring, termination, promotion, reassignment, etc.) only in situations where credit history is clearly relevant to the job in question. The FCRA has established steps that must be taken before the employer procures a credit report and if there is an adverse action that will occur as a result of the information on the consumer report. The [Federal Trade Commission's website](#) explains these rules and steps in more detail.

Fair Labor Standards Act – establishes minimum wage and requires overtime compensation be paid to employees for all hours worked over 40 per week. Some employees are exempted from this requirement if their job duties (not title) meet criteria set by the U.S. Department of Labor Wage and Hour Division. FLSA compliance assistance is available here: <http://www.dol.gov/whd/flsa/>.

- In 2010 the FLSA was amended to require reasonable break time and private space for nursing mothers to express milk for up to one year after their child's birth.

Family Medical Leave Act – applies to private employers with 50 or more employees. FMLA allows eligible employees with up to 12 weeks of unpaid leave to recover from illness or pregnancy, care for sick family members, or for qualifying exigencies when the employee's spouse, child, or parent is on or has been called to active military duty. Visit <http://www.dol.gov/whd/fmla/> for additional information.

Federal Drug Free Workplace Act – employers who receive federal contracts of \$25,000 or more must provide all employees with a policy stating that illegal drug use is prohibited in the workplace and outlines how violations are handled. A drug awareness program must be established by the employer to educate employees about the drug free workplace policy, the dangers of drug use, the availability of counseling programs, and the penalties for policy violation. Additional information is available here: <http://www.dol.gov/elaws/drugfree.htm>.

Health Insurance Portability and Accountability Act – establishes privacy, security, and portability requirements for covered entities, including employer sponsored group health plans, to prevent discrimination and ensure confidentiality of protected health information. While employers are generally not covered entities, HIPAA's Privacy Rule does control the conditions under which protected health information can be shared with an employer. For more information, please visit http://www.hhs.gov/ocr/privacy/hipaa/faq/covered_entities/499.html.

Immigration Reform and Control Act of 1986 – prohibits the hiring and continued employment of individuals not authorized to work in the US. All employers must verify the identity and employment eligibility of all employees hired after November 6, 1986 by completing a Form I-9. Federal contractors who have been awarded a new contract after September 8, 2009 that includes the Federal Acquisition Regulation (FAR) E-Verify clause are required to use the [E-Verify system](#) to electronically verify employment eligibility. [US Citizen and Immigration Services website](#) had additional information on these requirements.

Iowa Civil Rights Act and Title VII of the Civil Rights Act of 1964 – Employers are prohibited from discriminating against employees on the basis of age, color, creed, gender identity, genetic information, mental or physical disability, national origin, pregnancy, race, religion, sex, and sexual orientation under [Chapter 216](#) of the Iowa Code. The [Iowa Civil Rights Commission](#) is responsible for enforcing state and federal laws that prohibit discrimination and for investigating civil rights complaints. The state of Iowa goes beyond the federal Title VII of the Civil Rights Act of 1964, which is enforced by the [EEOC](#), by also prohibiting discrimination in the areas of housing, public accommodations, credit and education.

Iowa Employment Security Law – provides temporary unemployment compensation if/when an employee is discharged or hours or pay are significantly reduced. Information on unemployment tax calculations, employee benefit calculation and eligibility, and the claims process can be found here: <http://www.iowaworkforce.org/ui/>.

Iowa's Drug Free Workplace Act – [Iowa Code section 730.5](#) states that Iowa employers have the right, but are not required, to conduct drug and alcohol testing of employees. If an employer chooses to conduct testing, the employer must establish and follow a strict policy that complies with the Iowa code.

Iowa Workers' Compensation Act – requires employers to provide workers' compensation for an employee's personal injuries received as a result of their employment duties. Visit the [Iowa Workforce Development Division of Workers' Compensation](#) for more information.

National Labor Relations Act – prohibits employers from discriminating or taking action regarding an employee's job status based on the employee's exercise of protected and concerted activity (including but not limited to union activity). Visit the [National Labor Relations Board](#) website for additional information on the employer requirements under the NLRA.

New Employee Reporting – Within 15 days of hiring an employee, Iowa employers must report identification information about the employer and employee, along with employee health care coverage access information, to the Iowa Employer Child Support Website at <https://secureapp.dhs.state.ia.us/epay/>.

Occupational Safety and Health Act – requires employers to maintain a safe workplace for all employees. Employers must keep records of employees' workplace injuries and illnesses and report them to OSHA in certain situations. Visit [OSHA's website](#) for additional information.

Patient Protection and Affordable Care Act – was created to increase the affordability of and access to health insurance in America. The ACA includes a number of requirements for health insurance plan designs and coverage and imposes penalties for those who do not meet the requirements. Visit www.healthcare.gov for up to date information regarding the implementation of this law.

Uniformed Services Employment and Reemployment Rights Act – requires an employer of a military service person to reemploy and restore the benefits and rights of the employee service person after he/she is discharged. USERRA also establishes rules for the employer's treatment of the service person regarding leave of absence for service, use of vacation time during service, termination of a reemployed employee, seniority benefits, and health benefit continuation. Additional information about USERRA is available here: <http://www.dol.gov/vets/programs/userra/>.

Veterans Day Holiday – [Iowa Code section 91A.5A](#) requires that all employers provide honorably discharged Veterans with the option to take the November 11 Veterans Day holiday off. The employee must provide one month's prior written notice requesting the holiday off, and the employer must respond at least ten days prior to Veteran's Day and let the employee know if the request will be approved. If approved, the employer can designate the holiday as paid or unpaid.

Voting Leave – [Iowa Code section 49.109](#) states that Iowa employees who do not have three consecutive hours not at work during the time period that public election polls are open are entitled to paid time off to vote. The employer has the right to designate the time that the employee may take off. .