



IOWA

QUICK AND EASY GUIDE TO LABOR & EMPLOYMENT LAW

PROVIDED BY BAKER DONELSON

Disclaimer: These materials do not constitute legal advice and should not be substituted for the advice of legal counsel.

At-Will Employment

Iowa is an at-will employment state. Generally, employers may discharge employees for any reason or for no reason. Iowa recognizes two exceptions to at-will employment: (1) discharges in violation of public policy, and (2) discharges in violation of employee handbooks which constitute a unilateral contract. [*Fitzgerald v. Salsbury Chem., Inc.*, 613 N.W.2d 275, 281 \(Iowa 2000\)](#). The Iowa Civil Rights Act also protects employees from discharge or discrimination on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability. [I.C.A. §§ 216.6 et seq.](#)

Right-to-Work Laws

Iowa is a right-to-work state. “No person shall be deprived of the right to work at a chosen occupation because of membership, affiliation, withdrawal/expulsion, or refusal to join any labor union.” [I.C.A. §§ 731 et seq.](#)

Immigration Verification

Employers in Iowa should refer to federal employment eligibility verification rules, but Iowa does not require private employers to use the E-Verify system. That said, a bill requiring private employers to use the E-Verify System is currently pending in the Iowa Legislature.

Drug Testing

Iowa restricts drug testing of employees by employers. Employers may drug test applicants or employees as a condition of employment but must follow strict requirements. [I.C.A. § 730.5](#). The drug testing must occur during normal work hours, at the employer’s cost, and must be in compliance with a written policy provided by the employer to the employee. [Id.](#) Unannounced or unscheduled drug testing may only be conducted with respect to certain classes of employees such as employees in safety-sensitive positions. [Id.](#)

Jury Duty Leave

An employer may not discharge, penalize, threaten, or otherwise coerce an employee who receives and/or responds to a jury summons or who serves on a jury. [I.C.A. § 607A.45](#). Employees may be entitled to their regular compensation for service as a member of a jury under certain circumstances. [Iowa Admin. Code R. 681-3.145\(8A\)](#).

Voting Leave

Iowa law requires employers to provide employees with paid leave sufficient to ensure that an employee has two consecutive hours when combined with nonworking time, within which to vote while polls are open. [I.C.A. § 49.109](#). To be eligible for paid voting leave, the employee must request the leave in writing prior to the day of the election or vote. [Id.](#)

Parental Leave

There is no Iowa statute providing for parental leave, but the federal [Family and Medical Leave Act of 1993](#) (FMLA) gives employees the right to take time off to bond with a new child as part of their 12-week leave entitlement in certain circumstances. [5 U.S.C. § 6382](#).

Iowa has a pregnancy leave law. [Iowa Code ann. § 216.6](#). Iowa employers with at least four employees must allow eligible employees to take time off for disability relating to pregnancy, childbirth, miscarriage, abortion, or related conditions. [Id.](#) Unless the employee is otherwise entitled to sick leave, disability leave, or other time off, the employer must allow the employee to take leave for the period of time she is unable to work, up to eight weeks. [Id.](#)

Smoking Laws

Iowa prohibits smoking in most indoor spaces (including workplaces) pursuant to the [Iowa Smokefree Air Act of 2008](#). There are limited exceptions, such as bars and outdoor areas as set forth more specifically in the law. [Id.](#)

Break Time to Express Milk

Iowa has specific legislation that protects and supports breastfeeding mothers “in any public place where the woman’s presence is otherwise authorized.” [Iowa Code Ann. § 135.30A](#). Additionally, if the mother is protected

by the [Fair Labor Standards Act \(FLSA\)](#), employers are required to provide reasonable break time for an employee to express breast milk for their nursing child. Furthermore, under the FLSA, employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Meal Breaks

Iowa has no statute regulating breaks for meals, except with respect to minors. If the [FLSA](#) applies to the employer, then an employee who takes a break that is 20 minutes or less must be paid for the break time at their normal rate. A break is not required to be paid if it is longer than 20 minutes and the employee is relieved of all work during the break.

Minimum Wage

Iowa's required minimum wage is the same as the federal minimum wage rate, which is \$7.25 per hour. [Iowa Code Ann. § 91D.1](#).

Unemployment Insurance

Iowa has an unemployment insurance system administered by the Iowa Department of Workforce Development, which requires most Iowa employers to contribute to the state unemployment insurance fund. More information is available here: www.iowaworkforcedevelopment.gov/my-iowa-unemployment-insurance-employers-and-agents.

Workers' Compensation

Iowa has a workers' compensation program that is administered by the Division of Workers' Compensation. The workers' compensation laws apply to all public and private entities employing one or more employees. [I.C.A. § 85.61; Iowa Code ann. § 627.13](#).

More information related to Iowa workers' compensation laws is available [here](#).

Firearm/Weapon Laws

Iowa does not restrict the right of employers to prohibit employee possession of firearms at work even if the employee has a legal right to possess firearms in public generally. [Wardlow v. Iowa Employment Appeal Board, 2011 WL 2110347 \(District Court of Iowa 2011\) \(IA Code Sec. 724.4\)](#).

Additional Laws and Regulations

Minimum Age

Children 16 and 17 years of age are prohibited from doing certain dangerous tasks and from certain dangerous occupations. [I.C.A. §§ 92.1 et seq.](#)

Children 14 and 15 years of age have additional restrictions, including limits on the time and hours they can work. [I.C.A § 92.5, 92-6 and 92-6A](#).

The following programs and activities are generally not required to comply with Iowa child labor law:

- Volunteer work for a charitable or public purpose;
- Work as referees by those children 12 years of age or older working for a charitable organization, a unit of government, or an organization recognized by the United States Olympic Committee;
- The Iowa Summer Youth Corps Program; or
- Any recognized program of the Iowa National Service Corps for children older than the age of 14. [Iowa Code § 92.17](#)

Non-Compete Agreements

Though Iowa does not have a statute governing the use of non-compete agreements, Iowa courts generally enforce non-compete provisions if the provisions are reasonable. [Iowa Glass Depot, Inc. v. Jindrich, 338 N.W.2d 376, 381 \(Iowa 1983\)](#).