



# IOWA

## QUICK AND EASY GUIDE TO LABOR & EMPLOYMENT LAW

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*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. Without a valid contract of employment, an employment relationship is generally presumed to be at-will, and an employer can discharge the employee at any time, for any reason, or without cause. *Fitzgerald v. Salsbury Chem., Inc.*, 613 N.W.2d 275, 280 (Iowa 2000). 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. *Id.* at 281. The Iowa Supreme Court has identified three circumstances which satisfy the public policy exception: (1) when an employee is discharged in retaliation for enforcing a statutory right; (2) when an employee is discharged for refusing to participate in illegal activity; and (3) when an employee is discharged for reporting illegal activities in the workplace. *Carver-Kimm v. Reynolds*, 992 N.W.2d 591, 598 (Iowa 2023). When bringing a wrongful-discharge-in-violation-of-public-policy claim, the employee must show the existence of a clearly defined and well-recognized public policy protecting the employee's activity and that their discharge was because of this activity and undermines the public policy. *Id.* A general public interest is not sufficient to constitute a clearly defined public policy, *Id.* at 599, but findings of public policy are not limited to statutes specifically protecting employees. *Fitzgerald*, 613 N.W.2d at 283. For example, Iowa's perjury statute, Iowa Code Ann. § 720.2 (West, Westlaw through 2024 Reg. Sess.), has a sufficiently clear public policy to protect an employee from being discharged for refusing to perjure themselves. *Carver-Kimm*, 992 N.W.2d at 600. The Iowa Civil Rights Act also explicitly protects employees from discharge or discrimination on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability or because of the employee's pregnancy. § 216.6(1)(a), (2)(b) (Westlaw).

## Immigration Verification

Iowa does not currently require private employers to use the E-Verify system, but a bill requiring enrollment in the system passed the Iowa Senate on February 28, 2024, and is currently pending in the Iowa House of Representatives. S.F. 108, 90th Gen. Assemb., Reg. Sess. (Iowa 2024). Private employers should refer to federal employment eligibility verification rules.

## Drug Testing

Iowa restricts drug testing of employees by employers. Employers may drug test applicants or employees as a condition of continued employment or hiring but must follow strict requirements. Iowa Code Ann. § 730.5(4) (West, Westlaw through 2024 Reg. Sess.). The drug testing must occur during normal work hours (or immediately before or after a regular work period), at the employer's cost, and must be in compliance with a written policy provided by the employer to the employee. § 730.5(6) (Westlaw). Unannounced or unscheduled drug testing may only be conducted with respect to certain classes of employees such as employees in safety-sensitive positions. § 730.5(8) (Westlaw). Iowa's Medical Cannabidiol Act authorizes the use of pharmaceutical-grade cannabinoids for treatment of certain medical conditions, but the law does not address drug testing relating to possession or use of marijuana in compliance with section 730.5. § 124E.12 (Westlaw).

## Jury Duty Leave

An employer may not discharge, threaten, or otherwise coerce an employee who receives a notice to report; responds to the notice; serves as a juror; or attends court for prospective juror service. Iowa Code Ann. § 607A.45(1) (West, Westlaw through 2024 Reg. Sess.). Employees may be entitled to their regular compensation for service as a member of a jury under certain circumstances. Iowa Admin. Code r. 11-63.12.

## Voting Leave

Iowa law requires employers to provide employees, who are entitled to vote in an election, with paid leave sufficient to ensure that an employee has two consecutive hours, when combined with nonworking time, to vote while polls are open. Iowa Code Ann. § 49.109 (West, Westlaw through 2024 Reg. Sess.). To be eligible for paid voting leave, the employee must request the leave individually and in writing prior to the day of the election. *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 a total of 12 workweeks of time off because of the birth of a child or adoption or foster care placement. 29 U.S.C.A. § 2612(a)(1) (Westlaw through Pub. L. No. 118-62).

Iowa has a pregnancy leave law. Iowa Code Ann. § 216.6(2) (West, Westlaw through 2024 Reg. Sess.). 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 for the period of the disability or for eight weeks, whichever is less, unless the employee is otherwise entitled to sick leave. § 216.6(2)(e). The employee must provide timely notice of the period of leave requested before the change is effective. *Id.*

## Smoking Laws

Iowa prohibits smoking in most indoor spaces, including workplaces, pursuant to the Iowa Smokefree Air Act. Iowa Code Ann. § 142D.3(1) (West, Westlaw through 2024 Reg. Sess.). There are limited exceptions, such as private clubs and outdoor areas as set forth more specifically in the law. Iowa Code Ann. § 142D.4 (West, Westlaw through 2024 Reg. Sess.).

## 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 (West, Westlaw through 2024 Reg. Sess.). A bill was introduced in February 2024 that would add “express breast milk” to the protected activity, defining the phrase to mean “extract milk from the breast by hand or by electric or manual pump for subsequent feeding of a child.” H.F. 2508, 90th Gen. Assemb., Reg. Sess. (Iowa 2024). 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. 29 U.S.C.A. § 218d(a)(1) (West, Westlaw through Pub. L. No. 118-64). An employer is not required to compensate an employee for the reasonable break time. § 218d(b)(1) (Westlaw). Furthermore, under the FLSA, employers are also required to provide a place other than a bathroom which is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. § 218d(a)(2) (Westlaw).

## Meal Breaks

Iowa has no statute regulating breaks for meals, except with respect to minors and rail crew transport drivers. Iowa Code Ann. §§ 92.7, 321.449A (West, Westlaw through 2024 Reg. Sess.). 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. 29 C.F.R § 785.18 (last amended June 10, 2024). 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. 29 C.F.R § 785.19.

## Minimum Wage

Iowa’s required minimum wage is the same as the federal minimum wage rate under the Fair Labor Standards Act, which is \$7.25 per hour. Iowa Code Ann. § 91D.1 (West, Westlaw through 2024 Reg. Sess.). There is a bill pending in the Iowa legislature which would increase the minimum wage to \$10.85 as of July 1, 2024; \$13.00 as of July 1, 2025; and \$15 as of July 1, 2026. H.F. 2293, 90th Gen. Assemb., Reg. Sess. (Iowa 2024).

## 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. Individuals who are eligible for unemployment compensation will receive weekly benefits as a fraction of their total wages for a maximum of 16 weeks. Iowa Code Ann. § 96.3(4)-(5) (West, Westlaw through 2024 Reg. Sess.). More information is available here: [www.iowaworkforcedevelopment.gov/my-iowa-unemployment-insurance-employers-and-agents](http://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, except certain classes of people under specific circumstances, including agricultural workers, domestic workers, casual employees, and relatives of the employer. Iowa Code Ann. §§ 85.1, 85.2, 85.3 (West, Westlaw through 2024 Reg. Sess.).

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

## Firearm/Weapon Laws

Iowa does not currently have a guns-at-work law, so there is no constraint on 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*, No. LACL 118401, 2011 WL 2110347 (District Court of Iowa Mar. 11, 2011). There is a bill pending in the Iowa legislature that would prevent employers from prohibiting an employee from carrying, transporting, or possessing a firearm or ammunition if the firearm and ammunition are out of sight and inside a locked, privately owned vehicle within the place of employment. S.F. 543, 90th Gen. Assemb., Reg. Sess. (Iowa 2024).

## 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. Iowa Code Ann. §§ 92.7A, 92.8 (West, Westlaw through 2024 Reg. Sess.). The director of the Department of Workforce Development or Department of Education may grant an exception for minors participating in work-based learning or a school or employer-administered work-related program. § 92.8A (Westlaw).

Children 14 and 15 years of age have additional restrictions on tasks and occupations and limits on the time and hours they can work. §§ 92.5, 92.6, 92.6A, 92.7 (Westlaw). And children under 14 years of age are not permitted to work or be employed with or without compensation. § 92.3 (Westlaw).

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

- Volunteer work for a charitable or public purpose;
- Model or perform in motion pictures, theatrical productions, or musical productions;
- 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 Ann. § 92.17 (West, Westlaw through 2024 Reg. Sess.).

### Non-Compete Agreements

Iowa does not have a general statute governing the use of non-compete agreements, but there are industry- and profession-specific statutes, including those regulating health care employment agency workers, mental health professionals, and franchises. Iowa Code Ann. §§ 135Q.2, 147.161, 523H.8 (West, Westlaw through 2024 Reg. Sess.). Iowa courts generally disfavor non-compete provisions but will enforce them if the provisions are reasonably necessary for the protection of the employer's business, not unreasonably restrictive of the employee's rights, and not prejudicial to public interest. *Iowa Glass Depot, Inc. v. Jindrich*, 338 N.W.2d 376, 381 (Iowa 1983).

**Iowa WARN Act**

An employer who is planning a business closing or mass layoff, whether permanent or temporary, must serve written notice to the affected employees or their representatives and to the Department of Workforce Development at least 30 days before taking such action. Iowa Code Ann. § 84C.3 (West, Westlaw through 2024 Reg. Sess.).

**Paid Sick or Vacation Leave**

Iowa does not require employers to provide paid sick or vacation leave. Vacation, holiday, and sick leave payments are included in an employee's wages if they are due under an agreement between the employee or the employer or pursuant to the employer's policy. Iowa Code Ann. § 91A.2(7)(b) (West, Westlaw through 2024 Reg. Sess.). An employer must provide leave for each employee who is a veteran and gives notice to take time off for Veterans Day, but it is within the employer's discretion whether the leave is paid or unpaid. § 91A.5A (Westlaw).

Additionally, local governments are prohibited from adopting, enforcing, or otherwise administering any terms or conditions of employment that exceed or conflict with the state's requirements for employment leave. § 364.3(12) (Westlaw). For leave relating to the employee's family obligations, employers should refer to the Family and Medical Leave Act (FMLA). 29 U.S.C.A. § 2612 (West, Westlaw through Pub. L. No. 118-64).