

# Iowa Division of Labor

## Iowa Workforce Development

[Elisabeth Buck, Director](#)

[Chester J. Culver, Governor](#)

[Dave Neil, Labor Commissioner](#)

### **Message from Labor Commissioner David Neil.....**

On April 28, 2009, the Iowa Division of Labor in conjunction with the AFL-CIO, celebrated Worker Memorial Day with a ceremony on the Iowa Workforce Development grounds. We will honor those Iowans who lost their lives while on the job. For the 2008 calendar year, 65 Iowans lost lives in work related accidents. 29 of these deaths occurred while working in OSHA covered worksites. On April 28<sup>th</sup>, we must re-dedicate ourselves to a culture of safety in the workplace and at home. Accidents not only cause the loss of lives but in many cases cause permanent impairment which alters a workers life forever.



### **New Higher Wage Payment Civil Penalty Signed by Governor**

Governor Chet Culver signed into law April 8, 2008 a higher wage payment civil penalty under Iowa Code 91A.12(1). Any employer who violates the provisions of the Wage Payment Collection Law will be subject to a civil money penalty of not more than \$500 dollars per pay period for each violation. The old civil penalty amount was \$100 for each violation. Any civil money penalty recovered shall be deposited in the general fund of the state.

### **New Child Labor Laws Go Into Effect July 1st**

Governor Chet Culver signed into law April 8, 2008 several new provisions of the Iowa child labor law, Iowa Code Chapter 92. 92.11(2)(c) is amended to include several new proofs of age that are issued by the federal government like resident alien cards, visas, etc. to be used for approval of work permits. Iowa Code 92.19 is amended to increase the criminal penalty for a child labor violation from a simple misdemeanor to a serious misdemeanor. This means that if a parent, guardian or employer is convicted, they may be subject to a fine of at least \$315 but not to exceed \$1,875 and/or imprisonment not to exceed one year. And a new provision under Iowa Code 92.22(1) allows the Labor Commissioner to propose a civil penalty of not more than \$10,000 for each child labor violation. Any penalties recovered shall be deposited in the general fund of the state.

### **Proposed New Elevator Rules**

The Elevator Safety Board and the Labor Commissioner have proposed major changes to the rules governing elevator and escalator safety tests, inspections, special inspectors and related issues.

### **Procedures for Escalator Inspections**

ASME A17.1 requires an internal inspection of all escalators. Please contact the Division of Labor Services or the private inspector responsible for the site prior to performing annual maintenance on escalators. This will allow the internal inspection to occur in the most efficient manner.

### **Occupational Safety and Health Compliance**

Elevator mechanics and inspectors are covered by occupational safety and health standards enforced by the Iowa Division of Labor Services. The performance of a safety test, inspection, or maintenance work in a manner inconsistent with OSHA standards is prohibited. The Consultation and Education Bureau of the Iowa Division of Labor Services can provide training and compliance assistance at no cost to the employer.

### **IOSH Consultations & Inspections**

Over the past quarter, 76 companies in 25 Iowa counties received voluntary consultation visits. Additionally, 223 Iowa companies received IOSH inspections this quarter. Inspections took place in the following towns:

Algona -1	Ft. Dodge -8	New Hampton -1
Alton -1	Ft. Madison -1	Newton -1
Altoona -2	Garner -1	Oakland -1
Ames -8	Graettinger -1	Ogden -2
Ankeny -1	Grimes -1	Osage -1
Bettendorf -2	Independence -1	Oskaloosa -2
Brooklyn -1	Iowa City -7	Ottumwa -2
Carlisle -1	Iowa Falls -5	Palo -2
Cascade -2	Jesup -3	Perry -2
Cedar Falls -6	Johnston -6	Pleasant Hill -1
Cedar Rapids -11	Kalona -2	Pocahontas -1
Centerville -1	Kellogg -1	Red Oak -1
Central City -2	Keokuk -1	Rockwell City -1
Chelsea -1	Knoxville -1	Sergeant Bluff -1
Cherokee -1	La Motte -1	Sheldon -3
Clear Lake -1	Lake Mills -1	Sigourney -1
Clinton -1	LeMars -4	Sioux Center -2
Coralville -1	Leon -1	Sioux City -4
Council Bluffs -10	Manchester -2	Spencer -1
Dakota City -1	Manly -1	Story City -2
Dallas Center -1	Marion -1	Stuart -2
Davenport -2	Marshalltown -6	Tipton -1
Des Moines -10	Mason City -3	Toledo -1
Dubuque -3	Mediapolis -1	Urbana -1
Dyersville -2	Milford -1	Urbandale -10
Earlham -1	Missouri Valley -1	Vinton -2
Eldridge -1	Monona -1	Waterloo -7
Elk Horn -1	Monticello -1	Waukee -1
Ellsworth -2	Mt. Ayr -7	West Des Moines -4
Estherville -2	Muscatine -2	Winterset -1
Fairfield -2	New Albin -1	Woodward -1

### **Our condolences to the families of.....**

- Rick Dorale, 56—fell from a ladder while working on a conveyor belt system in Sioux City. Rick fell when the ladder slipped on ice.
- Simon Trinidad, 35—suffocated inside a sand hopper while trying to clear a clog Clear Lake.
- Ryan Bierman, 25—was crushed between the mast and the overhead guard of a forklift in Muscatine.
- Clifford Mast, 64—died after falling between a conveyor belt and catwalk while performing maintenance in Carlisle.

### The Ups and Downs of the Elevator Safety Board

By: Beth A. Feilmeier

Four years ago, a board was formed to aid the State of Iowa's Elevator Safety Division. There is a lengthy technical definition of what they do, but in terms for the rest of us, what the board does is to help make rules and regulations, rule on variance requests, and ensure that everyone is safe while using an elevator or escalator. It's not an easy task, considering there are more than 12,500 of them in the state.

The success and cohesiveness of the board depends greatly on its members. It is composed of eight members, all volunteers, which are listed as follows:

- Todd Christiansen --Todd was appointed to the board in 2004. He works for Otis Elevator Company, an elevator manufacturing company, as a General Manager.
- Pete Fromm -- Pete started with the elevator safety board in 2004 also. He is employed by Schindler Elevator Company, another elevator manufacturing company, as a Construction Superintendent.
- Kristine Kesterson – Kristine began her term with the board in 2004. She is a Service/Repair/Modernization Sales Representative for O'Keefe Elevator, an elevator servicing company.
- Marvin Schumacher – Marvin has been with the board since 2004. He is the President of, as well as an Electrical Engineer for Schumacher Elevator, an elevator servicing company. Mr. Schumacher also served as Board Chair from the inception of the board through 2008.
- Siobhan Harman – Siobhan began serving as a board member in 2004. She was appointed as a building owner/manager representative, as listed in board requirements. She also is the current Board Chair.
- Kathleen Uehling – Kathleen is an attorney representing the Iowa Labor Commissioner. She has been a part of the board since 2004.
- Wayne Sims – Wayne became a board member in 2004. He works as a Business Representative for the International Union of Elevator Constructors Local 33.
- Russell Allen – Russ was appointed as an elevator board member in 2007. He is working as a Mechanical Engineer for West Plains Engineering of Cedar Rapids.
- Susan Aden – Susan Aden is the Board Attorney. She is Assistant Attorney General for the State of Iowa.

The board is required to meet at least once each calendar quarter, and sometimes will meet more often, depending upon the number of variance requests, appeals from inspections, and petitions for either declaratory orders or rulemaking.

With the diverse backgrounds and knowledge of each board member, it creates a forum which not only has many varied perspectives and ideas, but also gives the opportunity that each request put before the board has the benefit of having several possible solutions. The State of Iowa is very appreciative for everything the board does, as without them, there would most likely be several issues which would go unresolved. So thank you, Elevator Board, for leading us through the Ups and Downs of Elevator Safety.

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Deaf or Hard of Hearing,  
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