

A Chronological History of the Division of Labor Statistics

1884

The federal Bureau of Labor was established in the U.S. Department of the Interior on June 27, 1884, to collect employment and labor statistics. Their first assignment was to assess the situation of immigrant, unskilled, and child labor across the United States and create reports for further study. The Bureau of Labor, later renamed the Bureau of Labor Statistics (BLS), was ordered to collect, publish, and disseminate information on employment trends, wages, working conditions, illness and injury statistics, and track the effects of immigration on the job market. This was done through gathering information from various state-run labor statistics agencies.

During the 1880s, many states simply refused to participate in the BLS system. Iowa, however, was in the vanguard of the movement, becoming the ninth state to establish a cooperating bureau. The 20th General Assembly in Iowa created the Iowa Bureau of Labor Statistics in 1884 to “present reports...detailing the condition of labor in the state, including the social, educational, and sanitary conditions of the laboring classes.” In addition to the number of laborers and mechanics in the state, the commissioner was to include information on employee wages, savings, housing, age and sex. The number and characteristics of accidents was also important. The bill was sponsored by Senator Talton E. Clark of Page County. E. R. Hutchins was appointed as the first Labor Commissioner by Governor Buren R. Sherman on August 14, 1884. The state labor commissioner was given powers of the justice of the peace to swear in testimony under oath, to subpoena witnesses, and to detain immigration law violators.

The first Iowa Bureau of Labor Statistics biannual report to the Iowa legislature for fiscal year 1884-1885 included information on siting for new industry, a labor availability summary, a diatribe against immigration, a worker opinion section, and a brief temperance lecture by E.R. Hutchins.

If two or more persons filed a complaint, or if an employer did not file a report, the commissioner could provide the employer with a written request to enter the establishment. The penalty for refusing or hindering admission was a fine of \$100 or up to 30 days in the county jail. Confidentiality of reported information was also established. If an employee of the Iowa Bureau of Labor Statistics disclosed confidential information, the criminal penalty was a fine of \$500 and up to one year in the county jail. In 1902, an Attorney General opinion confirmed this strict confidentiality requirement providing that the labor commissioner could make no use of names of individuals, firms or corporations in supplying statistical information. Further emphasizing the position, a 1938 Attorney General opinion stressed that all reports to the Bureau of Labor Statistics were privileged and the Labor Commissioner need not divulge or make accessible to the public any information contained in reports or records.

1888

In 1888, the Iowa Annual Labor Statistics Report featured a long section on the problems of child labor in the Hawkeye state, as well as endless reports of industrial safety and mining accidents involving young workers. In the next decade, the Iowa BLS routinely reported on

temperance, immoral practices in private sector employment and recruiting agencies, developed questionnaires on the character and family background of workers, wrote diatribes against unregulated immigration, and pled for the state of Iowa to establish a statewide “free employment agency”.

Entry into business facilities was an issue for the bureau. The labor commissioner, if denied entry into a facility, had no authority to entry and could not enforce the remedying of any conditions.

1894

Bureau staff was increased from just the labor commissioner to include a deputy commissioner and a clerk. The total annual appropriation was \$500. The total number of Iowans employed in manufacturing plants was 29,532.

1895

In 1895, the Iowa Labor Commissioner W.E. O’Bleness wrote a bill sponsored by a Senator Cheshire and Representative Dowell to formally establish a free public job placement service. The plan was to provide state administration and oversight and to run the service through county auditor’s offices. A central ledger book was to be kept current on job orders and placement records, while the state’s larger newspapers were to be alerted every Thursday regarding new job openings. The bill was not passed into law, but an experiment was conducted through the commissioner’s office using several volunteers from various newspapers and county auditor’s offices. Not one job applicant was placed, and the experiment was abandoned.

1896

In 1896, the Iowa Legislature enacted Chapter 132 of the Iowa Code that permanently established a Bureau of Labor Statistics in Iowa. Twelve years after creation of the bureau, the labor commissioner was granted the right of entry into any establishment.

1899

Excerpts from the biennial report from W.F.O’Bleness, Commissioner, Iowa Bureau of Labor Statistics:

“There are few persons and corporations employing men who have no railings or guards around dangerous machinery, fly wheels, and vats. There are a large number of steam boilers being fired by incompetent boys and men.”

“There should be a law compelling employers to box or cover all dangerous machinery and shafting, place railings around fly wheels and vats, and there should be some person vested with the power to enforce the same. There ought to be some person whose duty it should be to see to it that no one would be allowed to fire a steam boiler who could not stand a competent examination.”

1902

Commissioner O'Bleness' opinion was put into effect and the emphasis shifted from merely collecting information to addressing safety and health issues. If the commissioner learned of any violation of child labor employment, or the safety and health of an employee, the commissioner could take action. The action was limited to providing the employer 60 days for correction. If the employer did not abate the violation, the county attorney was to "immediately institute proper proceedings."

Safety and health specifications began to emerge. Most places of employment with five or more employees were required to have water closets or privies segregated by sex. The Bureau of Labor Statistics Commissioner was placed in charge of fire escapes and safely exiting the following types of buildings: hotels; lodging rooms; hospitals; asylums; manufacturing facilities; warehouses and buildings of three or more stories; tenement and boarding houses of three or more stories or 20 or more residents; opera houses; theaters; or public buildings with a capacity of 300 persons; and public schools, seminaries and colleges of more than two stories. The commissioner was to give notice of failure to provide fire escapes. The local fire or governmental official was to give notice to command compliance. This difficulty was overcome by hearty cooperation between the commissioner and local fire departments and local officials.

Blowers and piping to distribute dust outdoors or to collection facilities were required for establishments with emery wheels, emery belts, or tumbling barrels used for rumbling or polishing castings. These facilities were mostly foundries and metal finishing factories.

1903

The problem of child labor was becoming more noticeable. Children were hired to do the work of adults at a few cents per hour difference. Thus, adults were having difficulty finding work. It was estimated that nearly 6,000 children under the age of 16 were employed in Iowa. The average workday for these children was 9.5 hours. Between 1898 and 1902, employment of children increased by 320 percent. Some children were only 10 years old, but many were 12. Iowa employed one child under the age of 16 for each 22 adults employed (4.5%) in mercantile, manufacturing and mechanical industries.

In 1902, the Compulsory Education law was passed. This was a step in decreasing child labor problems where the education law was enforced. But the provisions of that law were easily evaded. Certificates to establish age of children were not required. The law did not provide that the child shall begin attendance at any time during the school, and consequently children may remain employed up to the last 12 weeks of the school term.

The Labor Commissioner wrote in the 12th Biennial Report:

"Child labor in Iowa has at last reached a condition, it is no theory, it is an evil that no amount of indifference will resolve, the people of Iowa cannot afford to longer dally with the question, it should be taken up in the true Iowa way and settled. There is only one

way to settle it, that is to stop it, and your commissioner has seen enough of the evil to advise doing it at once.”

Edward D. Brigham, Commissioner, 1903

1904

During 1904, commission staff was increased by an additional clerk and one factory inspector. The commissioner reported the problem with child labor had significantly reduced, but was not eliminated. The fire escape law was amended to extend fire escape enforcement to the Labor Commissioner. Immediately following enactment, the commissioner held meetings in localities throughout the state to meet with local fire chiefs and officials to coordinate enforcement and the locals were served notice of corrective action needed. Inspections were first made in electric and power plants. High-tension currents were generated in many, often without sufficient protection for the men in charge.

1906

Iowa enacted child labor laws that went into effect on July 4, 1906. Child labor was addressed with some specific limitations. The report of 1906 indicated that as soon as the child labor law went into effect, quite a number of employers dismissed the children from employment, thus the law was self-enforcing.

Persons under age 14 could not be employed in manufacturing, mills, shops or slaughtering or packing plants or in any store where more than eight people were employed. Children were also prohibited from operating elevators. Minors under 16 could not be employed where the “health of such person may be injured, or his morals depraved, or any like work” or near gunpowder or explosives. Female employees under 16 could not be employed where constant standing was required.

Hours of work were established where minors under 16 could not work more than 10 hours a day. An exception was made for husking sheds and canning factories where machine were not operated.

1907

The commissioner of Labor Statistics first regulated private employment services beginning in 1907. Persons or businesses could accept money to help a person find acceptable employment within an established time period. If the acceptable employment was not obtained, the applicant could demand a refund of the fee. Employers and private employment agencies were prohibited from splitting fees. The labor commissioner was required to examine all records, books, and papers relating in any way to the conduct of any employment agency or bureau within the state.

1909

One factory inspector was added to the commission staff for a total of two inspectors. 61,635 Iowans were employed as indicated by a census.

The child labor law was amended to require Iowa employers to keep proof of age documents on each minor.

1910

The Iowa Supreme Court decided a major case regarding liability for injuries suffered as the result of the lack of machine guarding. The failure to comply with guarding standards, a device commonly used on a saw, would be considered as negligence per se.

1911

Employers were required to have more machine guarding and a criminal penalty was established for the removal of machine guarding.

1912

A factory inspector was added to the commission staff to give special attention to women and children. The commissioner was to cause an inspection of the factories, workshops, department stores, hotels, schoolhouses, halls, theaters, apartment houses and other public buildings, looking to the safety of employees and inmates and to the general sanitary conditions of their environment.

The Children's Bureau was created in the U.S. Department of Labor to investigate child labor issues.

1913

Private employment agencies were coming to the fore. There were 24 office charging fees securing 21,239 persons employment and 13 other offices getting 4,353 persons employment. The "other" agencies were generally charitable, such as a commercial club, the Ladies' Relief Organization, and the YMCA and YWCA.

Employers were required to post a list of minors and their birth dates.

A clerk was added to the commission staff and a census showed 49,482 factory workers in Iowa.

1915

In 1915, the Iowa Bureau of Labor Statistics was given the task of protecting working classes from indecency, including the task of "safe guarding worker morals by keeping toilets free of obscene writing". This project was found to be much harder than anticipated as no regulatory teeth were put into the charge.

In the same year, minors were required to obtain work permits for employment that specified the type of work to be performed.

The commissioner of Labor Statistics was also required to adopt regulations on fire exiting and fire escapes and enforce the regulations. While the commissioner was in charge and required to supervise the inspectors, the actual inspections were to be conducted by city building inspectors, fire chiefs, or the chair of the county board of supervisors.

The 36th Iowa General Assembly created the State Free Employment Bureau as a part of the Iowa Bureau of Labor Statistics on July 1, 1915. It was natural that applications from farmers and farm help predominated with the largest percentage of Iowa's population engaged in agriculture. With cooperation of a number of the county agents, the department was able to relieve some very trying situations for both the farmers and farm hands. During their first year of operations, the bureau reported the following statistics:

Applications from employers	454
Persons asked for by employers	931
Persons applying for work, registrations	1,535
Persons applying for work, renewals	104
Persons referred to positions	650
Positions filled	402
Percent of applicants placed	24.52

Attention was called to the wholly inadequate safety provision relating to boilers, except those of locomotives which came under federal statutes. The only inspection is that made by insurance companies and a boiler not inspected by them or rejected by them as too hazardous risk may be used indefinitely as the option of the owner and at the jeopardy of employees and citizens adjacent. Factory inspectors can demand good and sufficient steam, water gauges and safety valves and their end authority.

1917

In September 1917, Iowa entered into a cooperative agreement with the U.S. Department of Labor concerning the provision of employment services. The one "State-Federal Employment Bureau" at Des Moines found it impossible to meet the urgent demands of the state, and to make the distribution of labor more effective during the grave war times. By 1918, Iowa had 12 state-federal employment bureaus in 11 cities.

1918

Total Iowa workforce was approximated at 500,000 employees. The Division of Labor Statistics staff included the commissioner, one deputy, two male and one female factory inspectors, one statistician, one free employment clerk and two department clerks. The total expenditures for the Bureau of Labor Statistics for the biennial period from July 1, 1916 to June 30, 1918 was \$31,420.22.

Factory inspectors were powered to order guards and safety devices for certain dangerous machine; provide for fire escapes and signs indicating the same as a means of exit; order dust and gas carrying pipes to prevent injury to the health of the worker; in some employment, demand clothes lockers, washing facilities and dressing rooms (yet the some of the buildings in which employees work may crumble down).

Children were permitted to work between 14 and 16, but had to have an education equal to 6 yearly grades. Child labor in Iowa increased greatly during World War I. In spite of the efforts to suspend the child labor law during the period war, the law and enforcement was maintained.

1923

The agency name was changed to the Bureau of Labor under the labor commissioner.

The labor commissioner, mayors and chiefs of police in every city were to enforce worker safety and health requirements. The statute required workplaces of five or more employees to have water closets separated by sex. The number of water closets was based on the number of employees. Regulations regarding drinking water and washing facilities, and, when necessary, changing facilities, were first established. Female workers were to be provided chairs where practicable. Steam boilers were to be maintained in a safe manner and equipped with steam gauges, safety valves and water gauges. Machine guarding of belts, pulleys and similar power transmission devices, as well as saws, were required where an employee could be injured. Pipes and flews were required for molten metal or where deleterious gases or fumes existed.

Employers had to report accidents within 48 hours and maintain a record of all accidents. No statement in the report could be introduced in any litigation arising from the accident.

Elevator safety requirements were passed by the Iowa Legislature in 1923. The statute created a board to adopt a code of standards for elevator construction, installation, equipment, maintenance and operation. Cities could establish their own elevator codes, as long as they did not conflict with the state elevator code. Inspections were to be done by the cities and the labor commissioner's inspectors.

1924

Anyone convicted of knowingly furnishing selling products to a minor for resale could be fined from \$15 to \$100.

1925

In 1925, the Iowa Legislature gutted the recently passed elevator code. The board established to write regulations was abolished, as was the commissioner's authority to inspect elevators. Responsibility was left with the various cities to enforce if and as they saw fit. Hoist way doors and gates were to be interlocked. A law reestablishing an elevator safety code and a state inspection and enforcement role was not reestablished until 1975.

Even though the legislature gutted the elevator safety law, the Attorney General opinion that year provided the commissioner with authority and duty to supervise the use of safety appliances on elevators in manufacturing, mercantile establishments, workshops, machine shops and other industrial concerns.

The fee for private employment agencies was finally limited to 5% of the employee's wages.

1928

An Attorney General opinion created an exemption in 1928 addressing the Girl Scouts. Minors occasionally selling merchandise, such as five-cent candy bars, jelly powder, cake flour, and brick ice cream, to attend scout camp was allowed, provided the sale was with the parents' consent and the employment was terminated when the minor had collected enough money to attend camp. Such employment was not considered to be a street occupation. An actual statutory exemption for such part-time work for a nonprofit educational or community service was not enacted into law until 1970.

1931

Private employment agencies were required to be licensed.

1932

The duties of acting secretary of the State Employment and Relief Committee were determined to fall within the duties of the labor commissioner. With the continued Great Depression, this was a heavy burden for the Bureau.

1935

The labor commissioner was authorized to receive federal funds under the act that established the national employment system.

1936

Starting in July 1936, the Bureau attempted to aid and assist the interests of labor and industry in numerous ways. Although there was no law permitting the commissioner to collect unpaid wages, the law provided that all conditions of labor should be investigated. The commissioner found that in the interest of harmony and fair play, it was possible to bring the employer and employee together in such a manner as to secure a satisfactory settlement. While a request for a statutory authority to go further to aid employees was included in virtually every biennially report thereafter, the Wage Payment Collection Act was not passed until 1975.

1937

On May 21, 1937, the already existing Iowa State Employment Service came under the umbrella of a newly established three-person commission. Prior to that time, the employment service had been under the jurisdiction of the Iowa Bureau of Labor.

1938

The Bureau conducted an exhibit at the Iowa Centennial Fair in an effort to stimulate public thinking and direct public interest toward labor and industry. This was the first of many years when the agency had a booth at the Iowa State Fair. The bureau placed great emphasis upon the equipping of public and private schools with adequate escapes and exit apparatus.

More limitations were placed on child labor. No one under the age of 14 could work in a mine or in manufacturing. Additionally, it was unlawful for a boy under 16 or girl under 18 to clean any machinery while it was in motion. No one under 16 could operate a passenger or freight elevator or other dangerous machinery. But, this did not apply to manual training students in public schools or to students under an instructor in a school shop or industrial plant in a course of vocational education.

1939

The right of entry for safety inspectors was spelled out with more detail. The commissioner and inspectors were given the power to enter any factory or mill, workshop, mine, store, business home, public or private work, when it is open or in operation to gather facts and statistics, to examine into the methods of protection from danger to employees and sanitary conditions in and around such place and make a record.

1941

After decades of recommendations from labor commissioners, the 49th Iowa General Assembly authorized the Iowa Bureau of Labor to regulate and inspect boilers in 1941. Bureau of Labor inspectors were charged with inspecting internally and externally every steam boiler, tank, jacket, kettle, generator and other appurtenances used for generating or transmitting steam under pressure for heating or steaming purposes. Inspections were to be conducted at least once every 12 months.

Certain railway locomotive boilers and boilers used exclusively for agricultural purposes were excluded from coverage. Fees were established for inspections conducted by state inspectors and, upon satisfactory compliance, an operating license was issued. A waiver was established for insured boilers that passed inspection. The waiver was for the period of time covered by the insurance.

During the first year of operations, 1,420 insurance company inspections were conducted and state boiler inspectors conducted 495 inspections.

1946

The responsibility for fire escape inspections was transferred to the state fire marshal.

1959

Boilers inspected by insurance companies had to obtain an operating certificate and a major fee change was instituted for the first time since 1941.

1963

Power boilers were required to be inspected every 24 months.

1965

A major change was made to the state's worker safety statute. The authority to adopt safety and health rules was transferred to the Employment Safety Commission. The Commission was to be composed of eight members, four representing employers and four representing employees.

Commission duties included:

1. Adopt and amend rules.
2. Hold hearings on employment safety proposed rules and propose amendments.
3. Hear and decide appeals.
4. Issue administrative oaths, issue subpoenas to witnesses and take evidence.
5. Advise and consult with the Labor Commissioner on employment safety and safety education.
6. Appoint advisors advise to the commission and the Labor Commissioner in rule adoption.

The rules were to be based on recognized organizations, such as the American Standards Association, United States Bureau of Standards, American Society of Mechanical Engineers, the National Fire Prevention Association, and American Insurance Association. The rules for industrial operations related to floor and wall openings, railings and toe boards and ventilation controls of grinding, polishing and buffing of ferrous and nonferrous metals. The construction division rules related to demolition, excavation work, and cranes, derricks and hoists. The utilities and services division rules were entitled electrical installations in hazardous locations. Under the general division, the rules applied to explosive-actuated fastening tools, threshold limit values, portable wood ladders, and head eye, and respiratory protection,

The labor commissioner remained responsible for enforcement of the rules. The commissioner was to provide an abatement period of between seven and 30 days to correct violations. If the violation was not corrected within the specified, the employer, upon conviction, could be fined between \$25 and \$100. If the violation continued unabated, each day would be considered as a new offence with additional fines. If an employer disputed the violation, an appeal could be filed with the Employment Safety Commission.

In imminent danger situations, the inspector was able to shut down the operation orally for up to two hours. A further shut down required the delivery of a written notice in accordance with the rules of civil procedure. The fines that could be imposed were up to \$100 in imminent danger cases.

Also in 1965, the boiler and pressure law was amended to add all steam boilers used for heating purposes carrying a pressure of not more than 15 psig and all water heating boilers in a pressure of not more than 30 psig located in places of public assembly.

1967

Migratory labor camps were included under safety and health coverage.

1968

Workplace safety coverage was addressed in an Attorney General opinion. State office employees were not entitled to washing facilities and drinking water because the statute only extended to employees of factories, mercantile establishments, mills and workshops. This was changed with the passage of the 1972 state occupational safety and health act, which covered all employees in places of employment.

1970

Passage of new child labor regulations at the federal level resulted in a major rewrite of the state child labor law. The statute attempted to mirror the federal prohibitions on employment of minors. However, minor differences in some sections created some significantly different applications. The statute eliminated the difference in permitted and prohibited employment between boys and girls. The employment of children under the age of 14 was prohibited, with two exceptions; street trades at 10 and migratory labor at age 12. The hours of work of work for workers ages 14 and 15 were limited to 5 hours per day and 40 hours per week except during specified summer months when the limit was increased to 8 hours per day. The hours of the day in which a minor would work were also limited.

Exceptions were provided. The exception established in 1906 for work in a business owned or operated by the parent was continued. Work in and around a home that is not related to the employers' business was permitted. Detassling by children 14 and older was permitted.

The Child Labor Committee was created. The commission was composed of the labor commissioner, the director of Job Service and the superintendent of Public Instruction, a representative to the Department of Public instruction and two members appointed by the governor representing the public and interested in child labor. The committee was charged with adopting administrative rules, issuing orders, and determining occupations for which work permits were required.

1971

Railroad sanitation placed under the labor commissioner.

Iowa became one of approximately five states that had amusement ride safety laws. A few years prior a minor had been electrocuted at the Iowa State Fair. Although a ride was not responsible for the fatality, the legislature passed a statute giving the labor commissioner responsibility for

adopting rules and conducting an inspection of each ride at least once annually. An interesting application of the law resulted from the coverage under the statute. Amusement devices included any equipment or pieces of equipment, appliance or combination thereof designed or intended to entertain or amuse a person. Mechanical bulls and bungee cords were some of the devices that the commissioner was required to regulate when at a fair or carnival.

Early enforcement resulted in prohibiting several rides previously operating in the state. Many of these were in bad repair or had been assembled by local organizations. One example of the worst rides was a half of a 55-gallon barrel attached to each of six arms. The device had rough metal edges and old pillows thrown in the barrel to prevent injuries. The ride spun at such speed, some riders passed out leaving the ride.

No fatalities have resulted as a result of any amusement ride or concession since the statute was enacted. The Commissioner's inspectors have been known for their expertise and it is known that the commissioner will take all actions necessary to prohibit an unsafe ride from operating in Iowa. This may be the reason that rides are voluntarily shut down when the owner is ordered not to operate until correction is made.

1972

In 1970, Congress passed the Occupational Safety and Health Act that provided all state worker safety and health statutes were superceded by the federal act, unless the state passed a statute and regulations that were as effective as the federal law and enforcement. In 1972, the Iowa Legislature repealed the former safety law and the Employment Safety Commission and enacted the Iowa Occupational Safety and Health Act (IOSH). The primary purpose of the statute was to assure every working man and woman in the state safe and healthful working conditions and to preserve human resources.

The statute provided a new type of penalty. Instead of a criminal penalty prosecuted by the county attorney, the commissioner was authorized to assess civil penalties for all employer violations other than willful violations resulting in an employee's death, which remained as criminal penalties. In all but criminal matters, the OSHA Review Commission was established to hear and resolve citations and penalties appealed by employers. Serious violations required a penalty up to \$1,000. Non-serious, or "other than serious" violations, could result in a penalty up to \$1,000, but no penalty was to be assessed for these violations on the first inspection. The statute required correction of all violations and daily penalties if the violation was not corrected.

IOSH included education of employers and employees as a key component of its program. Consultation was also included, but to a very limited extent.

A state plan was submitted to the U. S. Department of Labor, OSHA in August 1972. As a developmental plan, concurrent jurisdiction was maintained between the federal and state plans. Cooperation and delineation of coverage was established. Due to the federal statute's provision, state plans were to have been accepted as developmental by December 29, 1972. Due to the U.S. Department of Labor's failure to pass on any states meeting the federal criteria, the Iowa's enforcement authority over all employment covered by the federal law was withheld. Iowa could only enforce its law with regard to the public sector, so the agency began an aggressive

inspection of city, state and county establishments. Iowa was one of the first states to be approved to have met the criteria to be a developmental plan, and total workforce enforcement was granted on July 20, 1973. On July 14, 1976, the U.S. Department of Labor certified the Iowa plan as meeting all developmental steps. During the next 9 years, the Iowa program underwent extensive monitoring as called for under federal regulations. Iowa did not achieve final plan approval until July 2, 1985. At that time, all federal enforcement was relinquished except for a few specialized establishments such as bridges crossing the Mississippi and Missouri rivers. Much of the delay in final approval was a lawsuit to prevent federal OSHA from approving state plans and the development of additional criteria all states had to meet.

Consultation was expanded on October 1, 1978 when Iowa entered into a contract with federal OSHA to provide consultative services to employers. The federal money was to be matched with ten percent state money. This enabled the program to grow in staff, services and capabilities.

Currently, Iowa is one of 26 state and territories that have adopted an effective statute and is monitored by the U.S. Department of Labor for continued effectiveness.

1973

The child labor exemption for children working in a parent's business was expanded to include a foster child working in a business owned or operated by the foster parent.

1975

An elevator safety law was enacted, in part as a response to a fatality in the early 1970. A child was killed in front of his mother when he fell from the elevator car down the hoist way in the Montgomery Wards store at 3rd and Locust in Des Moines. The law was similar in nature to the 1923 statute. The commissioner was to adopt regulations for elevator construction, installation, equipment, maintenance, and operation. Each elevator was to pass an inspection and, when the elevator was deemed in compliance, a certificate of operation was issued. Inspections were to be conducted annually.

Pursuant to Iowa Code Chapter 104, a minimum safety code was written for elevators installed prior to adoption of the statute with new elevators required complying with current national codes. Because no state regulations had existed for 50 years, many elevators were significantly out of compliance, both in installation and maintenance. Due to lack of available funding, the legislature gave the Commissioner authority to adopt an inspection priority in an administrative rule setting which types of elevators would be inspected annually.

Also in 1975, a state wage payment collection law was enacted by the legislature, Iowa Code chapter 91A. This came about in part because a daughter of a prominent Iowa politician was denied her last paycheck. Since 1936, the commissioner had attempted to assist employees with their complaints by contacting the employer, informing it of the complaint, and attempting to resolve the dispute between the two parties. Ultimately, the only legal recourse left to an employee was to file suit against the employer.

The new statute merely provided that the employment contract regarding wages and benefits was to be enforced. The Labor Commissioner had the authority to accept an assignment of the employees wages and benefits and, if necessary, to file suit to collect the unpaid wages for the employee. While this appeared simple, attempting to determine what was due the employee was not always simple. Most agreements were not in writing, so fixing a wage rate, vacation and sick leave benefit could only be determined by the way other employees similarly situated had been treated.

The statute included a provision whereby employees could be paid in other than cash payment. This was inserted by legislators interested in agriculture issues who stated some farm workers were paid in agricultural products. The provision was not given much consideration until the fourth wage complaint was filed, a complaint for a half of cow and a pig. Besides a dispute that such an agreement was actually made, the issue of the fair market value of the cow and pig were questionable.

A problem many employees encounter prior to the passage of the statute was deductions from an employee's paycheck. The statute addressed cash shortages, dishonored checks and credit cards, and lost stolen or damaged property.

One gasoline station had difficulty at the end of the day reconciling the cash register with the amount of gasoline sold. Allegations of theft by an employee were made, and the employer, in attempt to penalize the guilty employee, deducted the \$25 shortage from each of the four employees. This and similar issues were addressed by establishing that shortages of cash could only be deducted from an employees wages if that employee was responsible for the cash drawer and others did not have access to it.

The OSHA law was amended to comply with a federal mandate. The exemption from penalty on the first inspection for non-serious volitions was repealed.

1982

The amusement ride law was amended to exempt vessels inspected by the Iowa Conservation Commission (now the Department of Natural Resources) inspectors. This was part of a bill relating to boating in Iowa.

1983

An exemption permitting modeling for all minors was enacted. Limits were provided as to the time of day and work hours could not exceed 12 hours per month.

1984

Asbestos has been a concern with the safety and health inspectors since the first rules were written on it by the Employment Safety Commission. The legislature required more be done and became the sixth state to go further. The Asbestos Removal and Encapsulation Act was passed requiring workers to be trained and registered with the Bureau of Labor. Corporations were

required to obtain a license before the removal of any friable asbestos. This statute has been modified over the years as federal laws were enacted.

Not only did the legislature focus on asbestos in 1984, but on all hazardous chemicals. The Hazardous Chemicals Risks Right to Know Act was passed and subsequently codified as chapter 455D of the Iowa Code and was subsequently transferred in the Iowa Code to chapter 89B. As with the Asbestos Removal and Encapsulation Act, numerous changes have been made over the years due to federal changes. When the Hazardous Chemicals Risks Right to Know Act was passed, the federal OSHA regulations applied only to industrial establishments. The act was in four parts; worker right to know, community right to know, public safety- emergency response right to know and a committee to make recommendations. The worker provision required the commissioner to use the federal OSHA regulation as a basis. Therefore, employers had to maintain material safety data sheets and train employees on the hazards of chemicals to which they are exposed.

The community right to know division required employers to make safety data sheets accessible to the public. The employer had two ways to do this, either send all records to the Bureau of Labor or make them available to the public for inspection during normal business hours. The Bureau did not receive one safety data sheet under this provision. If an employer did not provide a safety data sheet to the public when it was requested, the commissioner could investigate and force the release.

The third part of the right to know triangle was the public safety-emergency response right to know division that was written with two concepts in mind. First, employees had to post the building with signs for each hazardous chemical, so a first responder would have an idea of the hazards presented and appropriate fire fighting decisions could be made. The issue of signage was thoroughly discussed in the legislature, but since no conclusion could be reached, the decision was left to the Bureau through rulemaking procedures. Additionally, employees were to submit a list of all hazardous chemicals to the local fire department. It was hoped this provision would encourage pre-emergency preparations between a fire department and an employer. The specificity of the list was dodged, and the Bureau was to resolve this through rulemaking.

Finally, the act established the hazardous chemicals information interagency coordinating council was created. The council was composed of a designee of the commissioner of Public Health, the labor commissioner, and the executive director of Water, Air and Waste Management. Five nonvoting members were from Disaster Services, Fire Marshall, Iowa Hygienic Laboratory, a representative of industry and one from labor. The council was to attempt to eliminate duplication between agencies.

The legislature in 1984 created a provision for employee health benefit plans. The statute, Chapter 91B created rights for employees who are terminated or temporarily laid off to maintain their health coverage. Also, if the employer decided to modify coverage all employees must be notified in writing. If the employer told employees they had health benefits and failed to obtain the insurance coverage or failed to pay premiums without adequate notice to the employees, the employer could be held liable for health care costs incurred by an employee that would have

been included under the plan. The labor commissioner was charged with enforcement as a wage under the wage payment collection law.

1985

The commissioner of the Division of Labor's term of office was increased from two to four years.

Unfired steam pressure vessels and regulated appurtenances were added to the coverage under the boiler inspection law. Specified boiler inspection fees were removed from the Code of Iowa and the commissioner was given the authority to set fees by rule based on the cost of administering the boiler law.

Section 91.17 and 91.18 were repealed. These two provisions related to the state's acceptance of the national employment service and the labor commissioner's authority to perform all things necessary to secure Iowa the benefits under the federal employment security law. This action was part of a code correction bill.

The wage payment law was amended to add certain sales persons to the definition of employee. These are sales persons who take orders or perform services for a principal and who are paid on a commission basis. These sales persons may have a line of products from a variety of principals and will find the right product to meet the customer's needs. For example, the sales person may sell a customer product from one business, coordinating products from another business and contracts for installation with a third business. Each one of the principals would be considered as a principal under this definition of an employer.

An exception to the child labor law was added permitting person at least 12 years old to complete a work assignment of value to the state or to the public or to the victim of a crime committed by the child when ordered by a juvenile court.

1986

The Iowa Bureau of Labor ceased to be an independent agency and was merged into the Department of Employment Services. The labor commissioner's term was changed for four to six years.

The Occupational Safety and Health Review Commission was merged into the Department of Inspections and Appeals and the name changed to the Employment Appeal Board.

The Iowa Commissioner of Athletics was established in 1971 to regulate professional boxing and wrestling. It was under the jurisdiction of the Secretary of State. In 1976, Allen J. Meier was appointed the labor commissioner. Meier had been a Golden Gloves champion, had boxed professionally, and had a wealth of knowledge in the area. The Governor appointed Commissioner Meier to be both labor commissioner and the athletics commissioner. The commissioner was to attend professional boxing matches. A five percent tax was placed on the gate receipts that went into the state general fund. During state government reorganization, the

duties of the athletic commissioner were permanently placed under the jurisdiction of the labor commissioner.

The Committee on Child Labor was abolished by the state reorganization. The labor commissioner was given authority to adopt administrative rules to implement the child labor law.

The Private Employment Agency Licensing Commission was abolished. Licensing and administration of the law was placed solely within the jurisdiction of the labor commissioner.

The wage payment collection law was amended to add health benefit plans under the definition of a wage. Health benefit plans meant a plan or agreement for employees for payment of care or treatment. Additionally Chapter 91B, Employee Health Benefit Plans was repealed as a part of bill under the insurance commissioner for continuation of and conversion of accident or health insurance benefits.

The Hazardous Chemicals Information Interagency Coordinating Council was abolished.

Elevator Code was changed from Chapter 104 to chapter 89A and chapter 455D was changed to 89B. Additionally, the elevator law was amended by including inclined and vertical wheelchair lifts within the meaning of a facility. The commissioner was allowed to adopt rules permitting the installation of these wheelchair lifts in churches and houses of worship. This legislation came about due to the number and variety of homemade and installation of non-code devices to transport disabled persons at churches and places of worship.

1988

Construction contractor registration began in 1988 to address concerns of employers utilizing employees as “independent contractors.” As independent contractors, the employee had no workers’ compensation coverage, no wage credits reported for unemployment benefits, no payments into social security, and no income tax withholding. The construction labor unions supported this bill while the construction industry opposed it. The bill appeared to be going nowhere until a compromise was reached on a highway construction bill desired by the construction industry.

To be registered, the contractor had to present its employer account required by the employment security law and proof of workers’ compensation coverage. A registration fee was set, as well as penalties for violators.

1989

A dispute arose between the commissioner and the employment appeal board over the board’s authority to block settlement agreements. This controversy went back to the former Occupational Safety and Health Review Commission that blocked a settlement between the Bureau of Labor and Younker’s department store over citations issued after a fatal fire at its Merle Hay Mall store. The parties were required to proceed to hearing and the decision was

appealed by Younker's. The district court held on appeal that the Review Commission had no authority to block a settlement agreement.

The Employment Appeal Board, which replaced the Review Commission in 1986, decided it had authority to decide all citations and penalties appealed. The commissioner could not withdraw a citation or enter into a settlement agreement with an employer and employee party without the parties coming before the Board. Legislation was needed to correct this dispute, so an amendment to the Iowa OSHA law provided the commissioner with sole authority to dismiss or amend citations and penalties or issue into settlement agreement to do the same.

The asbestos removal and encapsulation law was amended to so the Iowa language would mirror the Asbestos Hazard Emergency Response Act of 1986. Certificates were changed to licenses and licenses were changed to permits.

The Department of Education was charged with OSHA training course approval and testing to verify successful completion of the training courses.

An exemption for exhibition boilers was inserted into the boiler law. The Midwest Old Thrasher's Heritage Reunion in Mount Pleasant annually had several old machines that were not built to comply with current boiler and pressure vessel standards. The event's management could request the Division to perform inspections, but the Division could only provide an unenforceable safety report.

The right to know law was amended to provide that the commissioner follow the federal OSHA hazardous communication standard for the Iowa standard.

Out-of-state contractor's bonding was added to the contractor registration law. Any out-of-state contractor commencing a contract in Iowa in excess of five thousand dollars must file a bond with the Division. The bond could be utilized to satisfy any tax, penalty, interest, and related fees that may accrue to the state from the execution of the construction contract.

1990

January 1, 1990, Iowa's first minimum wage law became effective with a wage rate of \$3.85 per hour. Minimum wage laws had been introduced many times over the years, but had rarely passed out of committee. One of the chief sponsors of the legislation to establish the minimum wage at \$4.65 per hour was interviewed on TV where he announced his bill required a \$5.00 per hour rate, and when his error was revealed, an amendment was submitted to up the rate to \$5.00. Finally a rate of \$3.85 per hour was set.

When this legislation was passed, the current federal minimum wage was \$3.35 per hour and many assumed the federal legislation increasing the federal amount would go into effect no later than January 1, 1990. The federal law failed and the federal increase did not occur until April 1, 1990.

By statute, the Iowa rate was increased to \$4.25 on January 1, 1991, and the federal rate rose to that level on April 1, 1991. The Iowa rate increased to \$4.65 on January 1, 1992. The federal rate reached \$4.75 and \$5.15 on October 1, 1996 and September 1, 1997 respectively. Although the state statute had not kept pace with the federal rate, the Iowa rate increases whenever the federal rate changes because the statute accepted the federal rate.

The number of complaints filed with the Iowa Division of Labor for minimum wages has been minimal. Iowa does not have an overtime law; so many file their complaints with the U.S. Department of Labor instead of with Iowa.

The non-English speaking employees services bill was enacted. Local problems developed in several cities in Iowa with meat packing plants. Employers were recruiting employees from the southwest, mostly Texas and Mexico. These workers were provided transportation, while others were told about employment at the packing plant in Iowa. In Storm Lake, the imported workers became a burden on local government and charitable organizations. The welfare system was being asked to provide benefits and services to the workers and unemployed workers. The bill attempted to address the worker who does not speak, read, write, or understand English to the degree necessary for comprehension of the terms, conditions, or daily responsibilities of employment.

The act required that if ten percent of the employer's employees are non-English speaking and speak the same non-English language, the employer was required to provide an interpreter on all shifts and employ a person to serve as a referral agent to community services. This was the only provision with a penalty. In recruitment, the employer had to provide a written statement addressing many terms of employment and working conditions

1990 also saw a miscellaneous bill presented by the division. Under the OSHA law, the definition of an "employee" was expanded to include a volunteer involved in response to hazardous waste incidents. This was necessary to comply with the federal regulation 1910.129, hazardous waste operations and emergency response.

Schools were removed from the exemption for obtaining a permit prior to conducting asbestos on its own property with its own employees. This change was made pursuant to Asbestos Hazard Emergency Response Act of 1986.

Special inspectors are permitted under the boiler and steam pressure vessel law. These persons, employed by an insurance company, could conduct inspections on behalf of the commissioner. Under the Administrative Procedures Act, procedures were needed for the issuance and revocation of a special inspector's commission. The statute was amended authorizing the commissioner to adopt these procedural rules.

Also, the boiler law was amended by repealing the provision that boilers used for tourist railroads or trains were not required to have an American Society of Mechanical Engineers tag. This was necessary so the Boone and Scenic Valley Railroad could importer the last steam train engine manufactured in the Peoples' Republic of China.

Civil penalties were established for the owner of a boiler or pressure vessel operating the facility in violation of a safety order. The maximum civil penalty was \$500. Appeals would be to the Employment Appeal Board.

Clarifying amendments were made to the wage payment collection law and the contractor registration law.

The wage payment collection law was amended adding two new prohibited deductions from an employee's wages. An employer cannot deduct for the cost of personal protective equipment, other than clothing or footwear that may be used by the employee during non-working hours. An employer also cannot deduct for the cost exceeding \$20 of relocating an employee under the non-English Speaking Employee Services law.

The professional boxing and wrestling tax provision was amended to provide that the moneys collected from the tax on gross event receipts that exceed the amount necessary to administer the chapter were to be awarded as grants to organizations that promote amateur boxing in Iowa. The amendment also created an advisory board to advise the commissioner on the awarding of grants.

The contractor registration law was amended changing the registration to a two-year registration. Additionally, the commissioner is to conduct a fact-finding interview to assure a contractor is not in compliance before revoking any registration. This was added after a citation was issued to a contractor who had failed to return the application that was mailed to him. The contractor contacted his association who started making a fuss. While it was agreed he was in error, some persons believed that if a contractor failed to maintain workers' compensation, he should receive some form of a hearing before the registration was summarily revoked.

The age for persons competing in amateur boxing contests was raised from 30 to not over the age of 38.

1991

The Iowa OSHA statutory penalties increased. The maximum serious violation penalties went from \$1,000 to \$7,000 and willful violation penalties increased not more than \$10,000 to a minimum of not less than \$5,000 not more than \$70,000

A clarification was made to the Contractor Registration law to exempt public entities from being contractors. This was first raised in relation to school students erecting buildings as part of a class project. Additionally, many contractors with numerous short-term contracts throughout the state requested that they be permitted to submit blanket bonds for all of their work. This provision was enacted. A provision was also added providing for the commissioner to attach the bond for collection of penalties due the Division of Labor.

The Division of Labor was given the responsibility to compile data or information from the hazardous chemical information forms required to be submitted to the Iowa Emergency Response Commission (Tier II Forms). Furthermore, the Division was to compile the information by county and provide a copy to at least one public library in each county. In an

effort to do this, the Division obtained a copy of software which, when reformatted, permitted employers to file their information electronically. This became a major staff savings for both the Division of Labor and employers submitting the reports. The program was distributed and used by many states in the nation.

The child labor law was amended to attempt to clarify the hours of work for children over ten and under 16 years of age.

The qualifications for a boxing license were changed to remove criteria for being a resident of the state and members or stockholders of the licensee. The weight of the boxing gloves was changed from at least six ounces to at least eight ounces. Additionally, the commissioner could accept rules of recognized national or world boxing organizations if they were shown to be equal to or greater than the Iowa rules.

1992

The general Division of Labor provisions in Chapter 91 were amended authorizing the Commissioner to write rules for and to recover interest, court costs, and attorney fees incurred in recovering any amount due.

Amusement ride fees were increased.

The boiler law was amended to remove one for type of facility, eating and drinking establishments, from the term “place of public assembly.” A legislator who owned a restaurant where meetings were conducted introduced this amendment. The restaurant’s water heaters were inspected. No more inspections are now being scheduled where food and beverages are served.

A new exemption was added to the boiler law, this one for certain hot water heating boilers for swimming pools and spas (another upset customer).

1993

The age for persons competing in amateur boxing contests was raised from 30 to 38 in 1990. In 1993, the maximum age was lowered to 33.

The provision in Iowa Code section 327F.37 and 38 relating to railroad sanitation inspections was repealed and a new provision was added to the Iowa OSHA law that provided railroad companies shall provide adequate sanitation and shelter for its employees and the commissioner shall conduct inspections upon the receipt of a complaint.

A dispute arose with the Employment Appeal Board as to their decision being final agency action of the commissioner’s citation and, therefore, not subject to appeal by the commissioner. This dispute was resolved by changing Chapter 88 to provide that at hearing the Employment Appeal Board was to act as an adjudicatory body. Further, an addition provided that the commissioner may obtain judicial review of the Employment Appeal Board’s order by filing a

petition in district court. Furthermore, the right to represent the Employment Appeal Board would be the commissioner in any case where the commissioner is not the appealing party.

1996

The federal Asbestos School Hazard Abatement Reauthorization Act of 1990 required persons working on public and commercial buildings to be trained and certified. These amendment to the Iowa Asbestos Removal and Encapsulation law changed names of licenses to permits and worker certification to license. The licenses and required training were expanded to cover not only the worker, but also other disciplines with unique training requirements for each. These disciplines included the contractor, supervisor and worker, and in public and commercial buildings an inspector for asbestos-containing building material, and asbestos management planner, and asbestos project designer.

Due to a revision of the Administrative Procedures Act, agencies that adopt standards by reference were required to purchase a copy for the state law library. The boiler rules adopt American National Institute Standards by reference. The books cost several hundreds of dollars. The agency obtained a statutory exemption in the boiler code that provides a copy did not need to be purchased for the state law library, if they were are available for review in the Capitol Complex.

A provision was added to non-English Speaking law that possession of a forged document authorizing a person to stay or be employed in the United States is a class “D” felony.

1997

The professional boxing and wrestling law, chapter 90A, Code of Iowa, was substantially rewritten to make technical changes and to implement the Professional Boxing Safety Act of 1996. Federal law required each state to develop a professional boxer registration for each person residing in the state.

It became the Division of Labor’s responsibility to provide compiled Tier II industry specific hazardous chemical information to libraries in each county. This amendment was made for economic reasons.

Employment Agency Licensing was amended by removing the requirement that an affidavit be provided by two citizens that the applicant is of good moral character. This amendment was needed because so many national corporate employment agencies were coming into the state and there were no citizens in Iowa who were familiar with the corporate officials.

1998

The duty to collect contributions and payments to the second injury fund required to be made under the workers’ compensation law was transferred from treasurer of the State to the labor commissioner.

As with information when the Bureau of Labor Statistics was created in 1884, confidentiality of information remains a critical issue with the commissioner. The OSHA law was changed to protect complainants. Previously, the complainant's name could not be revealed, but the amendment prohibited identifying information to be released that included any fact or information that may be used to identify the person. An amendment was added to the Iowa OSHA law to maintain certain investigation information confidential until enforcement action is complete. This amendment was needed due to the expanded Open Records Act. An enforcement action is not complete until the inspection file is closed without a citation being issued, any citation or noncompliance notice resulting from an inspection becomes a final order and abatement is verified, a safety and health discrimination investigation and action is final. Records obtained by the Consultation Bureau were protected from the Open Records Act by an addition.

In wage collection cases, the Division often obtains bank account and credit card numbers. An amendment was added to maintain identifiable financial information confidential.

The Amusement Ride Rider Safety Act was enacted. This piece of legislation was pushed by the amusement ride industry. The bill, an amendment to the safety inspection of Amusement Rides Law required notices to be posted for riders and placed responsibilities on riders and their accompanying parent. A person who failed to safely ride could be penalized. A rider or the rider's parent or guardian was required to notify the ride operator on forms provided by the rider of any injury sustained on the ride prior to leaving the operator's premises. The bill was considered by some as a method of avoiding liability on the part of the ride operators. The bill also changed the amendment of "amusement ride" by excluding a device or structure devoted primarily to exhibition related to agriculture, the arts, education, industry, religion, or science.

The boiler law was amended in an appropriation law. Jacketed direct or indirect fired vessels built in accordance with a specified ASME Code were not to be considered as boilers or power boilers and were not required to have the controls or safety devices for automatically fired boilers. The vessels were still covered under the inspection provisions of the law.