

# What Employers Need to Know About Iowa's New Child Labor Law

by Joshua Hughes

On May 26, 2023, Governor Kim Reynolds signed [Senate File 542](#), an Act relating to youth employment. For Iowa employers that employ minors, the new law could be significant.

## Type of Work

Among other things, the bill rewrites Iowa Code Chapter 92 (child labor) by extending allowable working hours for fourteen and fifteen year olds, modifying the scope of permissible occupations for certain aged children, and permitting sixteen and seventeen year old employees to serve alcohol in certain establishments.

Some employers have raised concerns that certain provisions of SF 542 conflict with federal child labor regulations found in the Fair Labor Standards Act (FLSA). For example, the FLSA generally prohibits employment of fourteen and fifteen year olds unless the employment is specifically listed in the [federal regulations](#) (e.g., bagging and carrying groceries, cashiering, or clerical work). SF 542 modifies the list of allowable employment for fourteen and fifteen year olds under Iowa law, to include jobs which are not listed in the federal regulations (e.g. working in industrial laundries and performing "light assembly work."). The new Iowa law also permits fourteen and fifteen year olds to perform "momentary work" in a meat freezer, although that is expressly prohibited by federal law.

## Working Hours

Another potential conflict between the FLSA and the Iowa law appears to involve permissible working hours. [Federal regulations](#) strictly limit how many hours per week a fourteen or fifteen year old may work, which is usually no more than eighteen hours per week when school is in session, no more than three hours per day on a day when school is in session, and only between 7:00 a.m. and 7:00 p.m. on any day during the traditional school year. The new Iowa law, on the other hand, extends the school year working hours to 9:00 p.m. and summer hours until 11:00 p.m., while also allowing fourteen and

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fifteen year olds to work up to six hours on a school day.

Iowa employers that choose to take advantage of the new Iowa law when it takes effect on July 1, 2023, should be aware of the potential conflicts and potential legal challenges.

### **Mandatory Sexual Harassment Training**

Another provision of SF 542 that attracted considerable discussion during the legislative session was an amendment to Iowa's alcohol control statute to allow sixteen and seventeen year olds to serve alcohol in some situations. Previously, an employee had to be eighteen years old to serve open container alcohol in Iowa. Under the new law, sixteen or seventeen year olds can serve alcohol under the following conditions:

1. the establishment is a restaurant and the kitchen is operating,
2. the employer obtains and maintains written permission from the minor's parent or legal guardian allowing them to serve alcohol,
3. at least two employees eighteen years old or older are physically present when the minor is serving alcohol,
4. **the employer requires the minor to attend a sexual harassment prevention training,**
5. **the employer agrees to notify the minor's guardian *and* the Iowa Civil Rights Commission if the employer becomes aware of an incident of harassment involving the minor, and**
6. the employer notifies its dram shop insurance provider that it employs a minor prior to the minor beginning employment.

The requirements to provide a mandatory sexual harassment training and report instances of harassment to the Iowa Civil Rights Commission are unique among Iowa's employment laws, which typically don't require mandatory trainings or reports. Further, the text of SF 542 leaves some questions open about an employer's duty to report incidents of harassment: the law provides that if a minor "reports an incident of harassment to the employer or if the employer otherwise becomes aware of such an incident," the employer must notify the minor's guardians and the Iowa Civil Rights Commission. In addition, the text of the law doesn't limit the reporting requirements to incidents where the minor is the victim of an incident of harassment; SF 542 as written may also require reporting if the minor witnesses and reports harassment, or if the employer becomes aware of the minor engaging in harassing conduct.

While the legality of SF 542 may be challenged, we recommend that Iowa employers who plan to allow minors to serve alcohol under the new law contact their trusted Dorsey employment lawyer for assistance with not only updating their current policies to comply with the new law, but also with creating and implementing age-appropriate sexual harassment prevention training, both now required by the law.