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LINN COUNTY MINIMUM WAGE ORDINANCE

ORDINANCE # 4-9-2016

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance shall be to establish a minimum hourly wage applicable to certain employees and employers within the geographic boundaries of Linn County, Iowa.

SECTION 2. AUTHORITY. This ordinance is adopted pursuant to Linn County's home rule authority as set out in Article III, Section 39A of the Iowa Constitution, and consistent with the County's independent police powers and Linn County's ability to adopt standards that exceed the standards set forth by the State of Iowa, both as set out in Iowa Code Section 331.301, and incident to provision of the human services financed and/or performed by Linn County as set forth in Iowa Code Section 331.397.

SECTION 3. JURISDICTION. This ordinance shall be applicable within the unincorporated areas of Linn County, Iowa and within any city or portion of any city within the geographic boundaries of Linn County, Iowa that has not enacted a conflicting ordinance.

SECTION 4. MINIMUM WAGE

1. **MINIMUM WAGE REQUIREMENTS**

   a. The Linn County hourly wage shall be at least $8.25 as of January 1, 2017; at least $9.25 as of January 1, 2018; and at least $10.25 as of January 1, 2019.

   b. Every employer, as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, shall pay to each of the employer's employees, as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, not less than the Linn County hourly wage stated in Subsection 4.1(a); the current state hourly wage pursuant to Iowa Code Section 91D.1, as amended; or the current federal minimum hourly wage, pursuant to 29 U.S.C. Section 206, as amended, whichever is greatest.

   c. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than thirty dollars a month in tips is receiving the minimum hourly wage prescribed in this section, the amount paid to the employee by the employer shall be deemed to be increased on account of the tips by an amount determined by the employer, not to exceed forty percent of the applicable minimum wage. An employee may file a written appeal with the Iowa Labor Commissioner if the amount of tips received by the employee is less than the amount determined by the employer under this subsection.

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d. An employer is not required to pay an employee the applicable Linn County hourly wage provided in this section until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer prior to January 1, 2017, January 1, 2018, January 1, 2019, July 1, 2020, or July 1 of each year thereafter shall be paid at least the applicable Linn County hourly wage as of that date. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least $6.35.

e. Employees are covered by this ordinance for each hour worked within the geographic boundaries of Linn County or any city or portion of any city located therein, provided that an employee who performs work within the geographic boundaries of Linn County or any city or portion of any city located therein on an occasional basis is covered by this ordinance in a two-week period only if the employee performs more than two hours of work within the geographic boundaries of Linn County or any city or portion of any city located therein, during that two-week period.

SECTION 5. EXEMPTIONS

1. EXEMPTIONS

a. The exemptions from the minimum wage requirements stated in 29 U.S.C. Section 213, as amended to January 1, 2007, shall apply, except as otherwise provided in this section.

b. Except as provided in Subsection (c), the minimum wage requirements set forth in this ordinance shall not apply to an enterprise whose annual gross volume of sales made or business done, exclusive of excise taxes at the retail level which are separately stated, is less than three hundred thousand dollars.

c. The minimum wage requirements set forth in this ordinance shall apply to the following without regard to gross volume of sales or business done:

(1) An enterprise engaged in the business of laundering, cleaning, or repairing clothing or fabrics.

(2) An enterprise engaged in construction or reconstruction.

(3) An enterprise engaged in the operation of a hospital; an institution primarily engaged in the care of the sick, the aged, or the mentally ill or persons who have symptoms of mental illness who reside on the premises of such institution; a school for persons with mental or physical disabilities or for gifted children; a preschool, elementary or secondary school; or an institution of higher education. This paragraph applies regardless of whether any such described hospital, institution, or school is public or private or operated for profit or not for profit.

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(4) A public agency.

SECTION 6. ENFORCEMENT OF VIOLATIONS. Any violation of this ordinance shall be considered a county infraction punishable as provided by Iowa Code Section 331.307 and/or the Linn County enforcement ordinance, Chapter 19, Linn County Code of Ordinances or its successor section. Additionally, this ordinance may be enforced pursuant to Iowa Code Chapter 91A.

SECTION 7. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

First reading on the 31st day of August, 2016.

Second reading on the 8th day of September, 2016.

Third reading and final passage on the 12th day of September, 2016.

Published in *The Gazette* on the 15th day of September, 2016.

LINN COUNTY BOARD OF SUPERVISORS

Chairperson

Supervisor

James M. Houser

Supervisor

Supervisor

John W. Thomas (Nay)

Supervisor

#5-9-2016

ATTEST:

Joel D. Miller by Rebecca Shoop, Deputy
Joel D. Miller, Linn County Auditor

STATE OF IOWA)
COUNTY OF LINN)

I, Joel D. Miller by Rebecca Shoop, Deputy, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on September 12, 2016 2016 and published as provided by law on September 15, 2016.

Joel D. Miller by Rebecca Shoop, Deputy
Linn County Auditor

Subscribed and sworn to me this 12th day of September, 2016.

Amanda Hoy
Notary Public, State of Iowa

AMANDA HOY
Commission Number 770912
My Commission Expires
12-16-17

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DRAFT

RESOLUTION NO.____
City Council

RESOLUTION SUPPORTING THE LINN COUNTY MINIMUM WAGE ORDINANCE #4-9-2016 DATED SEPTEMBER 12, 2016 AND URGING THE IOWA GENERAL ASSEMBLY TO ADOPT A MINIMUM WAGE ACROSS THE STATE OF IOWA

WHEREAS, the City Council of the City of Hiawatha has received and filed Linn County's Minimum Wage Ordinance on October 5, 2016, and

WHEREAS, the City Council of the City of Hiawatha supports Linn County efforts to provide a working wage in all of Linn County, and

WHEREAS, the City Council of the City of Hiawatha succumbs to the Linn County Minimum Wage Ordinance #4-9-2016 with an increased hourly wage of $8.25 as of January 1, 2017 to provide consistency throughout the Linn County boundaries, and

WHEREAS, the City Council of the City of Hiawatha will review each additional annual wage increase thereafter on its own merit, and

WHEREAS, the City Council of the City of Hiawatha urges our Iowa General Assembly to consider passing a minimum wage bill increasing a fair and consistent Iowa's minimum wage as a whole; providing consistency throughout all of Iowa and to encourage a culture of work and a level playing field for the rising generation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to support Linn County's Minimum Wage Ordinance #4-9-2016 to provide consistency throughout the Linn County boundaries and urge our Iowa General Assembly to take a step forward adopting a minimum wage to encourage a culture of work and a level playing field for the rising generation.

AYES:
NAYS:
ABSENT:

RESOLUTION NO. 16-_____ PASSED AND APPROVED this 5th day of October, 2016.

_____
Bill Bennett, Mayor

ATTEST: _____
Kelly Kornegor, City Clerk