

ORDINANCE 09-10-15-01
AN ORDINANCE ESTABLISHING A JOHNSON COUNTY MINIMUM WAGE

Whereas, the Iowa Constitution grants counties home rule power and authority to determine their local affairs and government; and

Whereas, Iowa law allows counties to enact private or civil laws governing civil relationships when done incident to an exercise of an independent county power; and

Whereas, Iowa law grants counties independent powers to protect and preserve the rights, privileges, and property of the county or of its residents; to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents; and to set standards and requirements which are higher and more stringent than those imposed by state law; and

Whereas, Johnson County, Iowa has one of the highest costs of living in the state; and

Whereas, many working families and individuals in Johnson County are unable to adequately sustain themselves due to wages below the cost of living in the county; and

Whereas, payment of a higher minimum wage advances Johnson County's interests by creating jobs that better help workers and their families avoid poverty and economic hardship, reducing residents' reliance upon public and private aid, and better enabling residents to meet basic needs; and

Whereas, increasing the minimum wage increases consumer purchasing power, increases workers' standards of living, reduces poverty, and stimulates the economy; and

Whereas, a higher minimum wage will improve the peace, safety, health, welfare, comfort and convenience of Johnson County residents by raising their standard of living and other associated benefits.

Now, Therefore, Be It Ordained By The Johnson County Board Of Supervisors, as follows:

SECTION I. Purpose.

The purpose of this ordinance shall be to establish a minimum hourly wage applicable to certain employees and employers within the geographical boundaries of Johnson County, Iowa.

SECTION II. Authority.

This ordinance is adopted pursuant to Johnson 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 its ability to adopt standards that exceed the standards set forth by the State, both as set out in Iowa Code §331.301.

SECTION III. Applicability Within Johnson County Municipalities.

This ordinance shall be applicable within the unincorporated areas of Johnson County, Iowa, and within any Johnson County municipality that has not adopted a conflicting ordinance.

SECTION IV. The Johnson County Minimum Wage Ordinance.

Chapter 4 of the Johnson County Code of Ordinances is hereby amended to add a new subchapter 4:7, to be numbered and read as follows:

Chapter 4:7 MINIMUM WAGE

4:7.1 Minimum Wage Requirements

(a) The Johnson County hourly wage shall be at least \$8.20 as of November 1, 2015, \$9.15 as of May 1, 2016, and \$10.10 as of January 1, 2017. Beginning on July 1, 2018, and each July 1st thereafter, the Johnson County hourly wage shall be increased by an amount corresponding to the previous calendar year's increase (i.e., January 1, 2017 through December 31, 2017), if any, in the Consumer Price Index for the Midwest region as published by the Bureau of Labor Statistics, U.S. Department of Labor or its successor index. The adjusted Johnson County hourly wage shall be announced by the Board of Supervisors by April 1 of each year.

(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, the Johnson County hourly wage stated in paragraph "a", the current state hourly wage, pursuant to Iowa Code §91D.1, as amended, or the current federal minimum wage, pursuant to 29 U.S.C. §206, as amended, whichever is greater.

(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 rate prescribed in this section, the amount paid 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.

(d) An employer is not required to pay an employee the applicable Johnson County hourly wage provided in paragraph "a" 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 November 1, 2015, May 1, 2016, or January 1, 2017, shall earn the applicable Johnson County hourly minimum 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 Johnson County or one of the municipalities located therein, provided that an employee who performs work in the geographic boundaries of Johnson County or one of the municipalities 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 Johnson County or an applicable municipality during that two-week period.

4:7.2 Exceptions. The exemptions from the minimum wage requirements stated in Iowa Code §91D.1(2) shall apply to this ordinance.

4:7.3 Enforcement of Violations. Any violation of this ordinance shall be considered a county infraction, punishable as provided by Iowa Code Section 331.307. Additionally, this ordinance may be enforced pursuant to Iowa Code Chapter 91A.

4:7.4 Applicability. Notwithstanding the above, this ordinance shall not be applicable within the geographic boundaries of any Johnson County municipality that has adopted a conflicting ordinance, or to work performed by employees within said Johnson County municipality.


SECTION V. Repealer. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

SECTION V. Effective Date. This ordinance shall be in effect on the later of November 1, 2015, or after its final passage and publication as part of the proceedings of the Board of Supervisors.


Pat Harney, Chairperson
Board of Supervisors

ATTEST:


Travis Weipert, Auditor
Johnson County, Iowa