

Employment At Will

- An employee in Iowa is presumed to be employed “at will” **unless** there is a written contract that specifies a period of service or there is a collective bargaining agreement through which discharge can be only for “just cause.”
- Generally, an employer **can terminate** an employment relationship for any reason or no reason at all, so long as it is **not unlawful discrimination** as outlined in the Human Relations Ordinance.

Fair Labor Standards Act (FLSA)

- Establishes minimum wage, overtime pay, record keeping, and child labor laws, and is enforced by the Department of Labor.
- **Does not require** an employer to provide: vacation, holiday, severance, or sick pay; meal or rest periods, holidays off or vacations; premium pay for weekend or holiday work, pay raises or fringe benefits.
- For **people at least 16** years of age the FLSA **does not limit** number of hours worked in a day, or days in a week, though it may require overtime pay.
- **State employees and union members** may have **additional protections** beyond the FLSA.

Family And Medical Leave Act (FMLA)

- Covered employees are entitled to FMLA — up to 12 weeks of unpaid medical leave to care for a serious medical condition of self or certain family members.
- This leave is also available for the birth or adoption of a child.
- This law is enforced by the Department of Labor.

Who Do You Call With Workplace Problems?

- Questions regarding discrimination or harassment call the Dubuque Human Rights Commission at 589-4190.
- Questions involving the FMLA, Wages, or Hours call the U.S. Department of Labor at 1-866-4-USA-DOL.
- Questions involving Job-related injury call the Worker’s Compensation Office at 1-800- 562-4692.
- Questions regarding unemployment benefits call Iowa Workforce Development at 556-5800.



Employment Discrimination: The Facts

**CALL US
WE SHED LIGHT
ON HUMAN**

D·U·B·U·Q·U·E

HUMAN RIGHTS
COMMISSION

1300 Main Street
Dubuque, IA 52001
Telephone, Voice: (563) 589-4190
TTY: (563) 589-4193
humanrgt@cityofdubuque.org
www.cityofdubuque.org/humanrigh

Employment Law

- The Dubuque Human Rights Commission (DHRC) attempts to eliminate discrimination by receiving, investigating, and making decisions concerning individual complaints of discrimination.
- Title 8 of the Code of Ordinances of the City of Dubuque protects individuals from discrimination based on the following: **race, creed, color, sex, age, physical or mental disability, national origin, sexual orientation, gender identity, or religion.**
- Anyone who feels they have been harassed or treated differently due to the attributes listed above may contact the DHRC to discuss the facts of the situation in order to determine whether their circumstances merit filing a charge of discrimination.



Different Treatment

- Discrimination on the basis of the attributes listed in above is **prohibited in all aspects of employment**: interviews, application forms, hiring, promotions, benefits, conditions of work, salaries, and firing.
- The only exception is if any of these personal attributes are vital to the jobs itself, such as hiring an individual of a certain religion to teach in a religious institution.
- The **key question** is: “Does the employer’s action relate to the job and my ability to perform it?” If it does not, then it is often discriminatory.

Disability

- The Code of Ordinances **prohibits** employment **discrimination against qualified individuals with disabilities.**
- A “qualified individual” is defined as an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position, and who, with or without a reasonable accommodation, can perform the essential functions of a job.
- If a reasonable accommodation is required it **must provide** an opportunity for a person with a disability to achieve the same level of performance as an average, similarly situated, non-disabled person.
- The employer **may request** documentation of the individual’s functional limitations to support the request for the accommodation.
- During pre-employment interviews, an employer **cannot ask** an applicant about the existence, nature, or severity of a disability, but may ask an applicant about their ability to perform specific job functions.



Retaliation

- It is **illegal** for an employer **to retaliate against** an employee because that employee has lawfully opposed a discriminatory employment practice or has filed a charge, testified, assisted or participated in an investigation.

Documentation

- Many times you will have to **carefully document discrimination**: What happened? When did it happen? Who was involved? Were there any witnesses?
- Write down all of the information, including times, dates, quotes, witnesses etc. After documenting, you should proceed by attempting to resolve the complaint at your workplace.
- If resolution fails or is not possible the DHRC may be able to receive your complaint, investigate it and seek to resolve it.
- There is **no cost** to file a charge with the DHRC.



Harassment

- Harassment of an individual on the basis of race, sex, sexual orientation, gender identity, national origin, religion, age or disability may be discriminatory.
- A harasser can be the victim’s supervisor, co-worker, or a non-employee.
- **Behavior that may create a “hostile environment”** includes unwelcome comments or conduct that interferes with an individual’s work performance or creates an intimidating or offensive work environment.
- It is recommended that a **victim follow the workplace procedures** and policies for reporting harassment.