

TITLE 44
LABOR

CHAPTER 9
EMPLOYMENT CONTRACTS

44-901. ANTI-UNION CONTRACTS PROHIBITED. It shall be unlawful for any person, firm or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm or corporation, or any person about to enter the employ of such person, firm or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization. Any person or persons or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50.00) nor more than \$300, or be imprisoned in the county jail for not more than six (6) months, or shall be punished by both such fine and imprisonment.

[(44-901) 1893, p. 152, sec.sec. 1, 2; reen. 1899, p. 221, sec.sec. 1, 2; am. R.C., sec. 1456; reen. C.L., sec. 1456; C.S., sec. 2321; I.C.A., sec. 43-601.]

44-902. CONTRACTS RESTRICTING BOARD AND LODGING PROHIBITED. It shall be unlawful for any employer, by himself or by his agent, or for any agent of any employer, or for any other person, directly or indirectly, to impose as a condition, express or implied, in or for the employment of any workman or employee, any terms as to the place at which, or the person with whom any workman or employee is to board, lodge, subsist or reside; or as to the place or store at which he shall purchase his goods, wares or merchandise; or as to the place at which, or the manner in which, or the person with whom any wages or portion of wages paid to the workman or employee are or is to be expended; and no employer shall, by himself or his agent, nor shall any agent of any employer dismiss any workman or employee from his employment for or on account of the place at which, or the person with whom such workmen or employee may board, lodge, subsist or reside; or as to the place or store at which he shall purchase his goods, wares and merchandise; or for or on account of the place at which, or the person with whom any wages or portion of wages paid by the employer to such workman or employee are or is expended, or fail to be expended: provided, that this shall not apply to the collection of hospital fees or dues.

Any employer, who by himself or by his agent, or any agent of any employer, or any other person, who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor to exceed \$300, or be imprisoned in the county jail for not less than thirty (30) days nor to exceed ninety (90) days, or shall suffer both such fine and imprisonment.

[(44-902) 1911, ch. 123, sec.sec. 1, 2, p. 385; reen. C.L., sec. 1456a; C.S., sec. 2322; I.C.A., sec. 43-602.]

44-903. POLYGRAPH TESTS PROHIBITED. No person, firm, corporation or other business entity or representative thereof, shall require as a condition for employment or continuation of employment any person or employee to

take a polygraph test or any form of a so-called lie detector test. A violation of this section shall constitute a misdemeanor.

[44-903, added 1973, ch. 279, sec. 1, p. 594.]

44-904. POLYGRAPH TESTS -- EXCLUSIONS. The provisions of this act shall not apply to any law enforcement agency of the United States of America, the state of Idaho, or any political subdivision or governmental entity thereof.

[44-904, added 1973, ch. 279, sec. 2, p. 594.]

44-905. FRANCHISE AGREEMENTS -- EMPLOYMENT STATUS. (1) For purposes of this section, "franchise agreement," "franchisee" and "franchisor" shall have the same meanings as provided in section [29-110](#), Idaho Code.

(2) Neither a franchisee nor an employee of a franchisee shall be considered an employee of the franchisor for any purpose, unless:

- (a) The franchisee or the employee of a franchisee is specifically described as an employee of the franchisor in the franchise agreement; or
- (b) The franchisor is found or has been found by a court or another tribunal to have exercised a type or degree of control over the franchisee or the franchisee's employee that is not customarily exercised by a franchisor.

[44-905, added 2018, ch. 215, sec. 1, p. 485.]