

CHAPTER 1114

EMPLOYMENT SECURITY

H. F. 1311

AN ACT correcting and clarifying certain sections of chapter ninety-six (96), and providing provisions mandated by federal standards.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-six point four (96.4), subsection seven
2 (7), Code 1973, is amended to read as follows:

3 7. Notwithstanding any other provisions in this subsection, no other-
4 wise eligible individual shall be denied benefits for any week because
5 he is in training with the approval of the commission, nor shall such
6 individual be denied benefits with respect to any week in which he is
7 in training with the approval of the commission by reason of the appli-
8 cation of the provision in subsection 3 of this section relating to avail-
9 ability for work, and an active search for work or the provision of sub-
10 section 3 of ~~this section~~ *ninety-six point five (96.5) of the Code* relating
11 to failure to apply for or a refusal to accept suitable work.

1 SEC. 2. Section ninety-six point six (96.6), subsection two (2),
2 Code 1973, is amended to read as follows:

3 2. Initial determination. A representative designated by the com-
4 mission shall promptly notify all interested parties to the claim of the
5 filing thereof, and said parties shall have seven days from the date of
6 mailing the notice of the filing of said claim by ordinary mail to the
7 last known address to protest payment of benefits to said claimant.
8 The representative shall promptly examine the claim and any protest
9 thereto and, on the basis of the facts found by him, shall either deter-
10 mine whether or not such claim is valid, the week with respect to which
11 benefits shall commence, the weekly benefit amount payable and the
12 maximum duration thereof, and whether any disqualification shall be
13 imposed, or shall refer such claim or any question involved therein to
14 an appeal tribunal or to the commission, which shall make its deter-
15 mination with respect thereto in accordance with the procedure de-
16 scribed in subsection 3 of this section, except that in any case in which
17 the payment or denial of benefits will be determined by the provisions
18 of section 96.5, subsection 4, the representative shall promptly trans-
19 mit his full findings of fact with respect to that subsection to the com-
20 mission, which, on the basis of the evidence submitted and such addi-
21 tional evidence as it may require, shall affirm, modify, or set aside
22 such findings of fact and transmit to the representative a decision
23 upon the issues involved under that subsection. The representative
24 shall promptly notify the claimant and any other interested party of
25 the decision and the reasons therefor. Unless the claimant or other
26 interested party, ~~within five calendar days after the delivery of such~~
27 ~~after notification,~~ or within ~~seven~~ *ten* calendar days after such notifica-
28 tion was mailed to his last known address, files an appeal from such
29 decision, such decision shall be final and benefits shall be paid or denied
30 in accordance therewith. If an appeal tribunal affirms a decision of the
31 representative, or the commission affirms a decision of an appeal tri-
32 bunal, allowing benefits, such benefits shall be paid regardless of any
33 appeal which may thereafter be taken, but if such decision is finally
34 reversed, no employer's account shall be charged with benefits so paid.

1 SEC. 3. Section ninety-six point six (96.6), subsection three (3),
 2 Code 1973, is amended to read as follows:
 3 3. Appeals. Unless such appeal is withdrawn, an appeal tribunal,
 4 after affording the parties reasonable opportunity for fair hearing,
 5 shall affirm or modify the findings of fact and decision of the deputy.
 6 The parties shall be duly notified of such tribunal's decision, together
 7 with its reasons therefor, which shall be deemed to be the final deci-
 8 sion of the commission, unless within ~~ten~~ *fifteen* days after the date
 9 of notification or mailing of such decision, further appeal is initiated
 10 pursuant to subsection 5 of this section.

1 SEC. 4. Section ninety-six point six (96.6), subsection nine (9),*
 2 Code 1973, is amended to read as follows:
 3 *9. Court review. Within ~~ten~~ *twenty* days after the decision of the
 4 commission has become final, any party aggrieved thereby may secure
 5 judicial review thereof by commencing an action in the district court
 6 of the county in which the claimant was last employed or resides, pro-
 7 vided that if the claimant does not reside in the state of Iowa the
 8 action shall be brought in the district court of Polk county, Iowa,
 9 against the commission for the review of its decision, in which action
 10 any other party to the proceeding before the commission shall be made
 11 a defendant. In such action, a petition which need not be verified, but
 12 which shall state the grounds upon which a review is sought, shall be
 13 served on a member of the commission or upon such person as the com-
 14 mission may designate and such service shall be deemed completed
 15 service on all parties, but there shall be left with the party so served
 16 as many copies of the petition as there are defendants and the com-
 17 mission shall forthwith mail one such copy to each such defendant.
 18 The commission shall within sixty days after notice of appeal has been
 19 served on the commission certify and file with said district court all
 20 documents and papers and a transcript of all testimony taken in the
 21 matter, together with its findings of fact and decision therein, or so
 22 much thereof as may be agreed upon by the parties to such appeal.
 23 Such agreement as to the records, papers and documents to be certified
 24 shall be in writing, signed by the parties to the appeal, and shall be
 25 filed with the commission. A copy of such agreement shall be filed
 26 with the transcript of the records filed with the district court. With
 27 such transcript the commission shall file its answer. The transcript as
 28 certified and filed by the commission shall be the record on which
 29 the appeal shall be heard, and no additional evidence shall be heard.
 30 In the absence of fraud any finding of fact by the commission, after
 31 notice and hearing as herein provided, shall be binding upon the court
 32 on appeal, when supported by substantial and competent evidence. The
 33 commission may also, in its discretion, certify to such courts, ques-
 34 tions of law involved in any decision by it. Such actions, and the ques-
 35 tions so certified, shall be heard in a summary manner and shall be
 36 given precedence over all other civil cases except cases arising under
 37 the workmen's compensation law of this state.

1 SEC. 5. Section ninety-six point six (96.6), subsection twelve (12),*
 2 Code 1973, is amended to read as follows:
 3 *12. Appeal. An appeal may be taken from any final order, judg-
 4 ment, or decree of the district court to the supreme court of Iowa, in

*Repealed effective July 1, 1975, 65 GA, ch 1090, §62

5 the same manner, but not inconsistent with the provisions of this chap-
6 ter, as is provided in civil cases, *irrespective of the amount involved*.
7 It shall not be necessary in any judicial proceeding under this section,
8 to enter exceptions to the rulings of the commission and no bond shall
9 be required for entering such appeal. Upon the final determination of
10 such judicial proceeding, the commission shall enter an order in accord-
11 ance with such determination. A petition for judicial review shall not
12 act as a supersedeas or stay unless the commission shall so order.

1 SEC. 6. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph a, subparagraph seven (7), Code 1973, is amended to read
3 as follows:

4 (7) Any employer may at any time make voluntary payments to his
5 account in excess of the other requirements of this chapter, and all
6 such payments shall be considered on any computation date as con-
7 tributions required under the provisions of this chapter if they are
8 paid by the employer not later than the next ~~December 31~~ *March*
9 *fifteenth* after such computation date.

1 SEC. 7. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph c, is amended to read as follows:

3 c. Each contributing employer's rate of contribution shall be two
4 and seven-tenths percent except as otherwise provided in this chapter.
5 No reduced rate of contribution shall be granted to a contributing em-
6 ployer until there shall have been twelve consecutive calendar quarters
7 immediately preceding the *first* computation date throughout which his
8 account has been chargeable with benefit payments. Provided, that
9 with respect to the calendar year commencing January 1, 1972, and
10 each calendar year thereafter, except as provided in paragraphs "d"
11 and "e" of this subsection, a contributing employer who has not been
12 subject to this chapter for a sufficient period of time to meet the
13 twelve-quarter requirement shall qualify for a computed rate of con-
14 tribution if there shall have been a lesser period throughout which his
15 account has been chargeable, but in no event less than eight consecu-
16 tive calendar quarters immediately preceding the computation date;
17 provided further, that with respect to the calendar year commencing
18 January 1, 1972, and each calendar year thereafter, except as provided
19 in paragraphs "d" and "e" of this subsection, each contributing em-
20 ployer newly subject to this chapter shall pay contributions at the rate
21 of one and five-tenths percent until the end of the calendar year in
22 which the employer shall have had eight consecutive calendar quarters
23 immediately preceding the computation date throughout which his
24 account has been chargeable with benefit payments, thereafter his con-
25 tribution rate shall be determined in accordance with paragraphs "d"
26 and "e" of this subsection.

1 SEC. 8. Section ninety-six point fourteen (96.14), subsection three
2 (3), unnumbered paragraph eleven (11), Code 1973, is amended to
3 read as follows:

4 The courts of this state shall recognize and enforce liabilities for
5 unemployment contributions, penalties, interest and benefit overpay-
6 ments imposed by other states which extend a like comity to this state.
7 The commission is hereby empowered to sue in the courts of any other
8 jurisdiction which extends such comity to collect unemployment contri-
9 butions, penalties, interest and benefit overpayments due this state.
10 The officials of other states which, by statute or otherwise, extend a

11 like comity to this state may sue in the district court to collect for such
 12 contributions, penalties, interest and benefit overpayments. In any
 13 such case the chairman of the commission of this state, as agent for
 14 and on behalf of any other state, may, ~~through the attorney general,~~
 15 institute and conduct such suit for such other state. Venue of such
 16 proceedings shall be the same as for actions to collect delinquent con-
 17 tributions, penalties, interest and benefit overpayments due under this
 18 chapter. A certificate by the secretary of any such state attesting the
 19 authority of such official to collect the contributions, penalties, interest
 20 and benefit overpayments, is conclusive evidence of such authority.
 21 The requesting state shall pay the court costs.

1 SEC. 9. Section ninety-six point fourteen (96.14), subsection four
 2 (4), Code 1973, is amended to read as follows:

3 4. Priorities under legal dissolutions or distributions. In the event
 4 of any distribution of an employer's assets pursuant to an order of
 5 any court under the laws of this state, including any receivership,
 6 assignment for benefit of creditors, adjudicated insolvency, composi-
 7 tion, or similar proceeding, contributions then or thereafter due shall
 8 be paid in full prior to all other claims except taxes and claims for
 9 wages preferred as provided by statute. In the event of an employer's
 10 adjudication in bankruptcy, judicially confirmed extension proposal,
 11 or composition, under the federal Bankruptcy Act of 1898, as amended,
 12 contributions then or thereafter due shall be entitled to such priority
 13 as is provided in section 64 ~~"b"~~ ^{"a"} of that Act.

1 SEC. 10. Section ninety-six point nineteen (96.19), subsection
 2 seven (7), paragraph a, subparagraph six (6), item d, Code 1973, is
 3 amended to read as follows:

4 (d) In a facility conducted for the purpose of carrying out a pro-
 5 gram of rehabilitation for individuals whose earning capacity is im-
 6 paired by age or physical or mental deficiency or injury or providing
 7 remunerative work for individuals who, because of their impaired
 8 physical or mental capacity, cannot be readily absorbed in the competi-
 9 tive labor market, by an individual receiving such rehabilitation or
 10 remunerative work.

1 SEC. 11. Section ninety-six point nineteen (96.19), subsection ten
 2 (10), paragraph b, Code 1973, is amended to read as follows:

3 b. An individual shall be deemed partially unemployed in any week
 4 in which, while employed at his then regular job, he works less than
 5 the regular full-time week and in which he earns less than his weekly
 6 benefit amount plus ~~three six~~ ^{three six} dollars.

1 SEC. 12. Section ninety-six point nineteen (96.19), subsection ten
 2 (10), paragraph c, Code 1973, is amended to read as follows:

3 c. An individual shall be deemed partially unemployed in any week
 4 in which he, having been separated from his regular job, earns at odd
 5 jobs less than his weekly benefit amount plus ~~three six~~ ^{three six} dollars.

1 SEC. 13. Section ninety-six point twenty (96.20), subsection two
 2 (2), Code 1973, is amended to read as follows:

3 2. The commission may enter into arrangements with the appropri-
 4 ate agencies of other states, or a contiguous country with which the
 5 United States has an agreement with respect to unemployment compen-
 6 sation or of the federal government (a) whereby wages or serv-

7 ices, upon the basis of which an individual may become entitled to bene-
 8 fits under the unemployment compensation law of another state or of
 9 the federal government, shall be deemed to be wages for employment
 10 by employers for the purposes of section 96.3 and section 96.4, subsec-
 11 tion 5; provided such other state agency or agency of the federal gov-
 12 ernment has agreed to reimburse the fund for such portion of benefits
 13 paid under this chapter upon the basis of such wages or services as the
 14 commission finds will be fair and reasonable as to all affected interests,
 15 and (b) whereby the commission will reimburse other state or federal
 16 agencies charged with the administration of unemployment compensa-
 17 tion laws with such reasonable portion of benefits, paid under the law
 18 of any such other states or of the federal government upon the basis
 19 of employment or wages for employment by employers, as the com-
 20 mission finds will be fair and reasonable as to all affected interests.
 21 Reimbursements so payable shall be deemed to be benefits for the pur-
 22 poses of section 96.3, subsection 5, and section 96.9, but no reimburse-
 23 ment so payable shall be charged against any employer's account for
 24 the purposes of section 96.7, *unless wages so transferred are sufficient*
 25 *to establish a valid claim in Iowa, and that such charges shall not ex-*
 26 *ceed the amount that would have been charged on the basis of a valid*
 27 *claim.* The commission is hereby authorized to make to other state
 28 or federal agencies and receive from such other state or federal agen-
 29 cies, reimbursements from or to the fund, in accordance with arrange-
 30 ments pursuant to this section. The commission shall participate in
 31 any arrangements for the payment of compensation on the basis of
 32 combining an individual's wages and employment covered under this
 33 Act with his wages and employment covered under the unemployment
 34 compensation laws of other states which are approved by the United
 35 States secretary of labor in consultation with the state unemployment
 36 compensation agencies as reasonably calculated to assure the prompt
 37 and full payment of compensation in such situations and which include
 38 provisions for: Applying the base period of a single state law to a
 39 claim involving the combining of an individual's wages and employ-
 40 ment covered under two or more state unemployment compensation
 41 laws, and avoiding the duplication use of wages and employment by
 42 reason of such combining.

Approved May 27, 1974

CHAPTER 1115

UNEMPLOYMENT COMPENSATION FUND

H. F. 1080

AN ACT relating to the control, management and use of the unemployment compensa-
 tion fund to assure entitlement to funds under section nine hundred three (903) of
 the social security Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-six point nine (96.9), subsection four
 2 (4), paragraphs a and b, Code 1973, are amended to read as fol-
 3 lows: