

CHAPTER 70

UNEMPLOYMENT INSURANCE BENEFITS ELIGIBILITY AND DISQUALIFICATION

H.F. 533

AN ACT relating to disqualification from eligibility for unemployment benefits and including effective date provisions.

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

Section 1. Section 96.5, unnumbered paragraph 1, Code 2017, is amended to read as follows:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

Sec. 2. Section 96.5, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. ~~The individual shall be disqualified for benefits~~ disqualification shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Sec. 3. Section 96.5, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 11. Incarceration — disqualified.

a. If the department finds that the individual became separated from employment due to the individual's incarceration in a jail, municipal holding facility, or correctional institution or facility, unless the department finds all of the following:

(1) The individual notified the employer that the individual would be absent from work due to the individual's incarceration prior to any such absence.

(2) Criminal charges relating to the incarceration were not filed against the individual, all criminal charges against the individual relating to the incarceration were dismissed, or the individual was found not guilty of all criminal charges relating to the incarceration.

(3) The individual reported back to the employer within two work days of the individual's release from incarceration and offered services.

(4) The employer rejected the individual's offer of services.

b. A disqualification under this subsection shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

NEW SUBSECTION. 12. Supplemental part-time employment. If the department finds that an individual is disqualified for benefits under [subsection 1](#) or [2](#) based on the nature of the individual's separation from supplemental part-time employment, all wages paid by the supplemental part-time employer to that individual in any quarter which are chargeable following a disqualifying separation under [subsection 1](#) or [2](#) shall not be considered wages credited to the individual until such time as the individual meets the conditions of requalification as provided for in this chapter, or until the period of disqualification provided for in this chapter has elapsed.

Sec. 4. Section 96.6, subsection 2, Code 2017, is amended to read as follows:

2. *Initial determination.* A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of [section 96.4](#). The employer has the burden of proving that the claimant is disqualified for benefits pursuant to [section 96.5](#), except as provided by [this subsection](#). The claimant has the initial burden to produce evidence showing that the claimant is not

disqualified for benefits in cases involving [section 96.5, subsections 10 and 11](#), and has the burden of proving that a voluntary quit pursuant to [section 96.5, subsection 1](#), was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving [section 96.5, subsection 1](#), paragraphs “a” through “h”. Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant’s last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer’s account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding [section 96.8, subsection 5](#).

Sec. 5. EFFECTIVE DATE. This Act takes effect July 2, 2017.

Approved April 13, 2017