

February 6, 1959.
Passed on File.

Senate File 242
By EVANS and SCOTT.

Passed Senate, Date..... Passed House, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to amend chapter ninety-six (96), Code 1958, being the Iowa employment security law, so as to increase the maximum weekly benefit amounts payable to unemployed persons, and to increase the maximum duration of payments to twenty-six (26) weeks; also relating to eligibility, the qualification and the disqualification of employees for benefits; and providing for giving of notice to employers of payments, and for the correction of errors.

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

1 Section 1. Section ninety-six point three (96.3), Code 1958,
2 is amended as follows:

3 1. Strike subsection four (4) and substitute in lieu thereof the
4 following:

5 "4. Determination of benefits. The weekly benefit amount of
6 any individual shall be the amount appearing in the following
7 schedule in column A opposite the wage bracket stated in column
8 B stating the total wages for insured work paid to such individual
9 during the calendar quarter of his base period in which such total
10 wages were the highest:

11	A	B	
12	Weekly Benefit Amount	High Quarter Wages	
13	\$ 35.00	\$798.01	\$842.00 or over
14	34.00	754.01	798.00
15	33.00	710.01	754.00
16	32.00	666.01	710.00
17	31.00	622.01	666.00

18	30.00	590.01	622.00
19	29.00	570.01	590.00
20	28.00	550.01	570.00
21	27.00	530.01	550.00
22	26.00	510.01	530.00
23	25.00	490.01	510.00
24	24.00	470.01	490.00
25	23.00	450.01	470.00
26	22.00	430.01	450.00
27	21.00	410.01	430.00
28	20.00	390.01	410.00
29	19.00	370.01	390.00
30	18.00	350.01	370.00
31	17.00	330.01	350.00
32	16.00	310.01	330.00
33	15.00	290.01	310.00
34	14.00	270.01	290.00
35	13.00	250.01	270.00
36	12.00	230.01	250.00
37	11.00	210.01	230.00
38	10.00	100.01	210.00

39 2. Strike subsection five (5) and substitute in lieu thereof,
40 the following:

41 "5. Duration of benefits. The maximum total amount of
42 benefits payable to any eligible individual during any benefit year
43 shall not exceed the total of the wage credits accrued to his account
44 during his base period, or twenty-six (26) times his weekly benefit
45 amount, whichever is the lesser. The commission shall maintain a
46 separate account for each individual who earns wages in insured

47 work. The commission shall compute wage credits for each
48 individual by crediting his account with one-third ($\frac{1}{3}$) of the wages
49 for insured work paid him during each calendar quarter of his base
50 period, or his weekly benefit amount multiplied by six point five
51 (6.5) per quarter, whichever is the lesser. Benefits paid to an
52 eligible individual shall be charged against the base period wage
53 credits in his account which have not been previously charged
54 hereunder, in the same chronological order as the wages on which
55 such wage credits are based were paid."

1 Sec. 2. Section ninety-six point four (96.4), Code 1958, is
2 hereby amended as follows:

3 1. Strike subsection three (3) and substitute in lieu thereof
4 the following:

5 "3. He is physically and mentally able to work, is available
6 for work, and is earnestly and actively seeking work on his own
7 behalf."

8 2. Strike subsection five (5) and substitute in lieu thereof the
9 following:

10 "5. He has been paid wages for insured work of not less than
11 three hundred dollars (\$300.00) in that calendar quarter in his base
12 period in which his wages were the highest, and also he has been
13 paid wages for insured work of not less than one hundred dollars
14 (\$100.00) in a calendar quarter in his base period other than the
15 calendar quarter in which his wages were the highest; and provided
16 further if he has drawn benefits in any benefit year, he must during
17 or subsequent to that year, be paid wages in insured work totaling
18 three hundred dollars (\$300.00) as a condition for benefits in the
19 next benefit year."

1 Sec. 3. Section ninety-six point five (96.5), Code 1958, is

2 hereby amended as follows:

3 1. Strike from line five (5) of paragraph "a" of subsection
4 one (1), the word "twelve" and insert in lieu thereof, the word
5 "eight".

6 2. Change the period (.) at the end of paragraph "b" of
7 subsection one (1) to a comma (,) and add thereafter the following:
8 "provided, however, if such temporary employment proves to be
9 unsuitable, (if so found by the commission), he shall forfeit only
10 the credits he may have earned in said unsuitable employment."

11 3. Add at the end of subsection one (1) the following para-
12 graphs:

13 "d. He left his employment upon the advice of a licensed and
14 practicing physician verified and concurred in by a physician
15 designated by his employer, because of illness or injury, and after
16 recovering from such illness or injury when recovery is certified
17 by a licensed physician, returned to his employer and offered his
18 services and his regular work or comparable suitable work was not
19 available, provided he is otherwise eligible."

20 e. He left his employment upon the advice of a licensed and
21 practicing physician verified and concurred in by a physician
22 designated by his employer, for the sole purpose of taking a member
23 of his family to a place having a different climate, and notwith-
24 standing during such absence he secures temporary employment,
25 and returned to his regular employer and offered his services and
26 his regular work or comparable work was not available, provided
27 he is otherwise eligible."

28 4. Strike subsection two (2) and substitute in lieu thereof the
29 following:

30 "2. Discharge for misconduct. If the commission shall find

31 that he has been discharged for misconduct in connection with his
32 employment, he shall forfeit nine (9) weeks' benefits."

33 5. Strike subsection five (5) and substitute in lieu thereof the
34 following:

35 "5. Other compensation. For any week with respect to
36 which he is receiving, has received, may receive, or is entitled to
37 receive payment in the form of:

38 a. Wages in lieu of notice;

39 b. Compensation for temporary disability under the work-
40 men's compensation law of any state or under a similar law of the
41 United States;

42 c. Old-age benefits under title II of the social security act
43 (42 USC, chapter (7)), as amended, or similar payments
44 under any Act of congress; provided that the commission shall
45 withhold payments under this chapter if it has reason to believe a
46 claimant is entitled to benefits under title II of the social security
47 act or any similar payments under any other Act of congress, until
48 such time as the claimant files with the commission satisfactory
49 evidence that he is not entitled to such benefits;

50 d. Benefits paid as retirement pay or as private pension.

51 Provided, that if such remuneration is less than the benefits
52 which would otherwise be due under this chapter, he shall be entitled
53 to receive for such week, if otherwise eligible, benefits reduced by
54 the amount of such remuneration. Provided further, if benefits
55 were paid for any week under this chapter for a period when benefits,
56 remuneration or compensation under paragraphs a, b, c, or d, of
57 this subsection were paid on a retroactive basis for the same period,
58 or any part thereof, the commission shall recover any such excess
59 amount of benefits paid by the commission for such period, and no

60 employer's account shall be charged with benefits so paid."

61 6. Add the following subsection:

62 "7. Vacation pay.

63 a. When an employer makes a payment or becomes obligated
64 or holds himself ready to make a payment to an individual for
65 vacation pay, or for vacation pay allowance, or as pay in lieu of
66 vacation, or as standby pay, such payment or amount shall be
67 deemed "wages" as defined in subsection thirteen (13) of section
68 ninety-six point nineteen (96.19), and shall be applied as provided
69 in paragraph c hereof.

70 b. Whenever, in connection with any separation or layoff of
71 an individual, his employer makes a payment or payments to him,
72 or becomes obligated and holds himself ready to make such payment
73 to him as, or in the nature of, vacation pay, or vacation pay
74 allowance, or as pay in lieu of vacation, and within seven (7)
75 calendar days after notification of the filing of his claim, designates
76 (by notice to the commission) the period to which such payment shall
77 be allocated, provided, that if such designated period is extended by
78 the employer, he may again similarly designate an extended period,
79 by giving notice thereof not later than the beginning of the extension
80 of such period, with the same effect as if such period of extension
81 were included in the original designation, the amount of any such
82 payment or obligation to make payment, shall be deemed "wages"
83 as defined in subsection thirteen (13) section ninety-six point
84 nineteen (96.19), and shall be applied as provided in paragraph "c"
85 of this subsection seven (7).

86 c. Of the wages described in paragraph "a" (whether or not
87 the employer has designated the period therein described), or of
88 the wages described in paragraph "b", if the period therein described

89 has been designated by the employer as therein provided, a sum
90 equal to the wages of such individual for a normal work day shall be
91 attributed to, or deemed to be payable to him with respect to, the
92 first and each subsequent work day in such period until such amount
93 so paid or owing is exhausted. Any individual receiving or entitled
94 to receive wages as provided in this paragraph shall be ineligible
95 for benefits for any week in which the sums, so designated or
96 attributed to such normal work days, equal or exceed his weekly
97 benefit amount. If the amount so designated or attributed as wages
98 is less than the weekly benefit amount of such individual, his
99 benefits shall be reduced by such amount."

1 Sec. 4. Section ninety-six point six (96.6), Code 1958, is
2 hereby amended by adding thereto the following subsections:

3 "13. Copies of benefit checks. Effective October 1, 1959,
4 the commission shall at the time of the issuance of benefit checks
5 also send to each employer copies of all benefit checks chargeable
6 to his account. Such copies shall show the name and social security
7 account number of the payee, the amount paid, the date of issuance,
8 the week of unemployment for which the check was issued, the
9 name or account number of the employer, and, upon request, a
10 code designation of the place of employment by the employer and
11 such additional information permitted by law as may be deemed
12 pertinent."

13 "14. Correction. The receipt of a copy of each benefit
14 check, as provided in subsection thirteen (13) above, issued to any
15 employee or former employee shall be considered a notice to the
16 employer or former employer of a determination by the commission
17 that the claimant receiving the check was, during the compensable
18 period covered thereby, eligible and qualified for benefits, and any

19 employer within seven (7) days of the date of mailing of a copy of a
20 benefit check may protest by requesting a redetermination as to
21 such eligibility or qualification. Upon receipt of such protest or
22 request, the commission shall investigate and redetermine whether
23 the claimant is eligible and qualified as to the period covered by
24 such check. If, upon such redetermination, the claimant is found
25 ineligible or not qualified, the commission shall investigate and
26 determine whether the claimant obtained benefits (during any of the
27 preceding consecutive weeks within the series of consecutive weeks
28 in which claimant received benefits which includes the week
29 covered by such redetermination) improperly as the result of
30 administrative error, false statement, misrepresentation, or
31 non-disclosure of a material fact. If the commission finds that the
32 claimant has obtained such benefits through administrative error,
33 false statement, misrepresentation, or non-disclosure of a
34 material fact, the commission shall proceed under the appropriate
35 provisions of section ninety-six point sixteen (96.16).

36 "Whenever a claimant files in this state or elsewhere his
37 continued claims through a different state claim office than the one
38 in which the claim was originally or previously filed, the commission
39 shall promptly issue written notice of that fact to the currently
40 chargeable employer.

41 "In any case where a claimant refuses an offer to work, or
42 where a claimant fails to apply for work of which he has been
43 notified as provided in section ninety-six point five (96.5), sub-
44 section three (3), the commission shall promptly make a written
45 determination as to whether or not such refusal or failure requires
46 disqualification under section ninety-six point five (96.5), sub-
47 section three (3). Notice of such determination (specifying the
48 name and address of the employing unit offering or giving notice of
49 the work and of the currently chargeable employer) shall be sent to
50 the claimant, the employing unit offering or giving notice of the
51 work, and the currently chargeable employer."