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SENATE FILE 373

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

*Approved 3/8 (703)*

Passed Senate, Date 3-14-79 (p. 786) Passed House, Date \_\_\_\_\_

Vote: Ayes 36 Nays 13 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved June 8, 1979

## A BILL FOR

1 An Act relating to unemployment compensation by limiting  
2 benefits through requiring a one-week waiting period  
3 for eligibility for benefits, by reducing benefits from  
4 thirty-nine to twenty-six weeks and from sixty-six and  
5 two-thirds to fifty-eight percent of the average weekly  
6 wage and through recomputation of individual weekly  
7 benefit amounts and wage credits, and partial benefits,  
8 by providing for the recovery of overpayments, back pay,  
9 certain benefits, and funds due from government entities,  
10 by denying benefits during paid sabbatical leave, by  
11 offsetting benefits with severance pay, governmental  
12 retirement pay and back pay, by modifying the attachment  
13 and reattachment to-the-work-force requirements and  
14 certain disqualification and requalification requirements  
15 for voluntary quits, misconduct, and failure to accept  
16 suitable work, by establishing procedures for employer  
17 liability determinations and rates of contribution for  
18 government contributing employers, by recomputing certain  
19 charges against employer accounts and rates of contribution  
20 when employer reports are delinquent, by extending the  
21 appeal period for protesting employers and the period for  
22 transmission of the job service record to a reviewing  
23 court, by clarifying the confidentiality of job service  
24 information and the job service subpoena and garnishment  
25 powers, by allowing certain vacation pay to offset benefits,

1 by making technical corrections to chapter ninety-  
2 six (96) of the Code, and by making certain penalties  
3 consistent with the criminal code.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section ninety-six point three (96.3), sub-  
2 section three (3), Code 1979, is amended to read as follows:

3 3. PARTIAL UNEMPLOYMENT. Each An individual who is  
4 partially unemployed in any week as defined in section 96.19,  
5 subsection 9, paragraph "b", and who meets the conditions  
6 of eligibility for benefits shall be paid with respect to  
7 ~~such~~ that week an amount equal to ~~that~~ the individual's weekly  
8 benefit amount less ~~fifty-percent-of~~ that part of wages payable  
9 to ~~him-or-her~~ the individual with respect to ~~such~~ that week  
10 in excess of ~~fifteen-dollars~~ one-fourth of the individual's  
11 weekly benefit amount. Such benefits shall be rounded to  
12 the higher multiple of one dollar.

13 Sec. 2. Section ninety-six point three (96.3), subsection  
14 four (4), unnumbered paragraph one (1), Code 1979, is amended  
15 to read as follows:

16 With respect to benefit years beginning on or after July  
17 1, ~~1975~~ 1979, an eligible individual's weekly benefit amount  
18 for a week of total unemployment shall be an amount equal  
19 to ~~one-twentieth~~ one twenty-second of ~~his-or-her~~ the  
20 individual's total wages in insured work paid during that  
21 quarter of his-or-her the individual's base period in which  
22 such total wages were highest, subject to the following  
23 limitation: The director shall determine annually a maximum  
24 weekly benefit amount by computing ~~sixty-six-and-two-thirds~~  
25 fifty-eight percent of the statewide average weekly wage paid  
26 to employees in insured work which shall be effective the  
27 first day of the first full week in July. However, the maximum  
28 weekly benefit amount shall remain at one hundred thirty-three  
29 dollars until such time as fifty-eight percent of the statewide  
30 average weekly wage paid to employees in insured work on the  
31 first day of the first full week in July exceeds one hundred  
32 thirty-three dollars. At that time the maximum weekly benefit  
33 amount shall be increased to fifty-eight percent of the  
34 statewide average weekly wage paid to employees in insured  
35 work. Such maximum weekly benefit amount, if not a multiple

1 of one dollar shall be rounded to the higher multiple of one  
2 dollar.

3 Sec. 3. Section ninety-six point three (96.3), subsec-  
4 tion five (5), Code 1979, is amended to read as follows:

5 5. DURATION OF BENEFITS. The maximum total amount of  
6 benefits payable to any eligible individual during any benefit  
7 year shall not exceed the total of the wage credits accrued  
8 to ~~his-or-her~~ the individual's account during ~~his-or-her~~ the  
9 individual's base period, or twenty-six times ~~his-or-her~~ the  
10 individual's weekly benefit amount, whichever is the lesser.  
11 The director shall maintain a separate account for each  
12 individual who earns wages in insured work. The director  
13 shall compute wage credits for each individual by crediting  
14 ~~his-or-her~~ the individual's account with ~~one-half~~ one-third  
15 of the wages for insured work paid ~~him-or-her~~ to the individual  
16 during ~~his-or-her~~ the individual's base period. Benefits  
17 paid to an eligible individual shall be charged against the  
18 base period wage credits in ~~his-or-her~~ the individual's account  
19 which have not been previously charged hereunder, in the  
20 inverse chronological order as the wages on which such wage  
21 credits are based were paid. ~~However-if-the-state-and-national~~  
22 ~~"eff-indicators"-are-in-effect-the-maximum-benefits-payable~~  
23 ~~shall-be-extended-to-thirty-nine-times-his-or-her-weekly~~  
24 ~~benefit-amount,-but-not-to-exceed-the-total-of-the-wage-credits~~  
25 ~~accrued-to-his-or-her-account.~~

26 Sec. 4. Section ninety-six point three (96.3), subsection  
27 seven (7), Code 1979, is amended by striking the subsection  
28 and inserting in lieu thereof the following:

29 7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an individual  
30 receives benefits for which the individual is subsequently  
31 determined to be ineligible, even though the individual acts  
32 in good faith and is not otherwise at fault, the benefits  
33 shall be recovered. The department in its discretion may  
34 recover the overpayment of benefits either by having a sum  
35 equal to the overpayment deducted from any future benefits

1 payable to the individual or by having the individual pay  
2 to the department a sum equal to the overpayment.

3 Sec. 5. Section ninety-six point three (96.3), Code 1979,  
4 is amended by adding the following new subsection:

5 NEW SUBSECTION. BACK PAY. If an individual receives  
6 benefits for a period of unemployment and subsequently receives  
7 a payment for the same period from the individual's employer  
8 in the form of or in lieu of back pay, the benefits shall  
9 be recovered. The department, in its discretion, may reach  
10 an agreement with the individual and the employer to allow  
11 the employer to deduct the amount of the benefits from the  
12 back pay and remit a sum equal to that amount to the  
13 unemployment compensation fund and the balance to the  
14 individual, or may recover the amount of the benefits either  
15 by having a sum equal to that amount deducted from any future  
16 benefits payable to the individual or by having the individual  
17 pay to the department a sum equal to that amount. If an  
18 agreement is reached to allow the employer to deduct the  
19 amount of benefits from the back pay and remit that amount  
20 to the fund, the department shall not charge that amount to  
21 the employer's account under section ninety-six point seven  
22 (96.7) of the Code.

23 Sec. 6. Section ninety-six point four (96.4), subsection  
24 four (4), Code 1979, is amended to read as follows:

25 4. ~~He-or-she~~ The individual has been paid wages for insured  
26 work during the individual's base period in an amount at least  
27 one and one-half times the wages paid to the individual during  
28 that quarter of the individual's base period in which the  
29 individual's wages were highest; provided that the individual  
30 has been paid wages for insured work of not less than four  
31 hundred dollars in that calendar quarter in ~~his-or-her~~ the  
32 individual's base period in which his-or-her the individual's  
33 wages were ~~the~~ highest, and ~~also-he-or-she~~ the individual  
34 has been paid wages for insured work of not less than two  
35 hundred dollars in a calendar quarter in ~~his-or-her~~ the

1 individual's base period other than the calendar quarter in  
2 which ~~his-or-her~~ the individual's wages were the highest,  
3 ~~and-provided-further-if-he-or-she.~~

4 If the individual has drawn benefits in any benefit year,  
5 ~~he-or-she~~ the individual must during or subsequent to that  
6 year, work in and be paid wages in for insured work totaling  
7 two-hundred-dollars at least six times the individual's average  
8 weekly wage, during that quarter of the individual's base  
9 period in which the individual's wages were highest, as a  
10 condition to receive benefits in the next benefit year.

11 Sec. 7. Section ninety-six point four (96.4), subsection  
12 five (5), paragraph b, Code 1979, is amended to read as  
13 follows:

14 b. Benefits based on service in employment, defined in  
15 section 96.19, subsection 6, and based on service after  
16 December 31, 1977 in an instructional, research, or principal  
17 administrative capacity for an educational institution operated  
18 by a government entity or a nonprofit organization, shall  
19 not be paid to an individual for any week of unemployment  
20 which begins during the period between two successive academic  
21 years or terms, (or, when an agreement provides instead for  
22 a similar period between two regular but not successive terms,  
23 during such period) to any individual if such individual  
24 performs such services in the first of such academic years  
25 or terms and if there is a contract or reasonable assurance  
26 that such individual will perform services in any such capacity  
27 for any educational institution the second of such academic  
28 years or terms, or during a period of paid sabbatical leave,  
29 provided for in the individual's contract, and

30 Sec. 8. Section ninety-six point four (96.4), Code 1979,  
31 is amended by adding the following new subsection:

32 NEW SUBSECTION. The individual has satisfied a one-week  
33 waiting period. For purposes of this subsection a one-week  
34 waiting period means the individual must be unemployed for  
35 one week in the benefit year for which the individual claims

1 benefits, provided that the individual is not eligible for  
2 any benefits with respect to this week from another state  
3 and provided that the individual is eligible for benefits  
4 for this week from this state. Benefits shall not be paid  
5 to the individual for the one-week waiting period until  
6 benefits have been payable for five consecutive weeks following  
7 the waiting period.

8 Sec. 9. Section ninety-six point five (96.5), subsec-  
9 tion one (1), paragraph d, Code 1979, is amended to read as  
10 follows:

11 d. ~~He-or-she~~ The individual left ~~his-or-her~~ employment  
12 because of illness, injury or pregnancy upon the advice of  
13 a licensed and practicing physician, and upon knowledge of  
14 the necessity for ~~sueh~~ absence immediately notified ~~his-or~~  
15 ~~her~~ the employer, or ~~his-or-her~~ the employer consented to  
16 ~~sueh~~ the absence, and after recovering from ~~sueh~~ the illness,  
17 injury or pregnancy, when recovery ~~is~~ was certified by a  
18 licensed and practicing physician, ~~he-or-she~~ the individual  
19 returned to ~~his-or-her~~ the employer and offered ~~his-or-her~~  
20 service to perform services and ~~his-or-her~~ the individual's  
21 regular work or comparable suitable work was not available,  
22 if so found by the ~~commission~~ department, provided ~~he-or-she~~  
23 the individual is otherwise eligible.

24 Sec. 10. Section ninety-six point five (96.5), subsection  
25 one (1), paragraph g, Code 1979, is amended to read as follows:

26 g. ~~In-the-case-where-he-or-she~~ The individual left ~~his~~  
27 ~~or-her~~ work voluntarily without good cause attributable to  
28 ~~his-or-her~~ the employer under circumstances which did or would  
29 disqualify ~~him-or-her~~ the individual for benefits, except  
30 as provided in ~~subsection-1,~~ paragraph "a", ~~-under~~ of this  
31 subsection ~~he-or-she~~, but subsequent to ~~sueh~~ the leaving,  
32 the individual worked in and was paid wages for insured work  
33 ~~for-not-less-than-six-consecutive-weeks~~ equal to nine times  
34 the individual's weekly benefit amount, provided ~~he-or-she~~  
35 the individual is otherwise eligible.

1 Sec. 11. Section ninety-six point five (96.5), subsection  
2 two (2), Code 1979, is amended to read as follows:

3 2. DISCHARGE FOR MISCONDUCT. If the department finds  
4 that ~~he-or-she~~ the individual has been discharged for  
5 misconduct in connection with ~~his-or-her~~ the individual's  
6 employment:

7 a. ~~He-or-she-shall-forefeit-one-to-nine-weeks-benefits~~  
8 The individual shall be disqualified for benefits until the  
9 individual has worked in and has been paid wages for insured  
10 work equal to twelve times the individual's weekly benefit  
11 amount, provided the individual is otherwise eligible. Wages  
12 earned with the employer from whom the individual has been  
13 discharged for misconduct in connection with employment shall,  
14 for the purpose of computing and charging benefits, be deemed  
15 wages earned from the employer with whom the individual  
16 accepted subsequent employment and benefits shall be charged  
17 to the employer with whom the individual accepted subsequent  
18 employment. The department shall advise the chargeable  
19 employer of the name and address of the former employer, the  
20 period covered, and the extent of benefits which may be charged  
21 to the account of the chargeable employer. If the new  
22 employment is in another state, the employer's account shall  
23 not be charged with benefits so paid unless required by law  
24 or unless required by the employer's election to reimburse  
25 the fund for benefits so paid.

26 b. Provided further, if gross misconduct is established,  
27 ~~he-or-she-shall-forefeit-from-ten-weeks-benefits-to-the-maximum~~  
28 ~~amount-payable-in-his-or-her-current-benefit-period~~ the  
29 department shall cancel the individual's wage credits earned,  
30 prior to the date of discharge, from all employers. The  
31 individual shall be disqualified for benefits until the indi-  
32 vidual has worked in and has been paid wages for insured work  
33 equal to fourteen times the individual's weekly benefit amount.

34 c. Gross misconduct is deemed to have occurred after a  
35 claimant loses employment as a result of an act constituting

1 an indictable offense in connection with his or her employment,  
2 provided the claimant is duly convicted thereof or has signed  
3 a statement admitting that he or she has committed such an  
4 act. Determinations regarding a benefit claim may be  
5 redetermined within five years from the effective date of  
6 the claim. Any benefits paid to a claimant prior to a  
7 determination that the claimant has lost employment as a  
8 result of such act shall not be considered to have been  
9 accepted by the claimant in good faith.

10 Sec. 12. Section ninety-six point five (96.5), subsection  
11 three (3), Code 1979, is amended to read as follows:

12 3. FAILURE TO ACCEPT WORK. If the department finds that  
13 ~~he-or-she~~ an individual has failed, without good cause, either  
14 to apply for available, suitable work when so directed by  
15 the employment office or the ~~commission~~ department or to  
16 accept suitable work when offered ~~him-or-her~~, or to return  
17 to ~~his-or-her~~ customary self-employment, if any. The  
18 department in cooperation with the employment office shall,  
19 if possible, furnish the individual with the names of employers  
20 which are seeking employees. The individual shall apply to  
21 and obtain the signatures of the employers designated by the  
22 department on forms provided by the department, unless the  
23 employers refuse to sign the forms. The individual's failure  
24 to obtain the signatures of designated employers, which have  
25 not refused to sign the forms, shall disqualify the individual  
26 from further benefits until requalified. To requalify for  
27 benefits after disqualification under this subsection, the  
28 individual shall work in and be paid wages for insured work  
29 equal to nine times the individual's weekly benefit amount,  
30 provided the individual is otherwise eligible.

31 a. In determining whether or not any work is suitable  
32 for an individual, the department shall consider the degree  
33 of risk involved to ~~his-or-her~~ the individual's health, safety,  
34 and morals, ~~his-or-her~~ the individual's physical fitness and,  
35 prior training, ~~his-or-her-experience-and-prior-earnings,~~

1 his-or-her length of unemployment, and prospects for securing  
2 local work in his-or-her the individual's customary occupa-  
3 tion, and the distance of the available work from his-or-her  
4 the individual's residence, and any other factor which ~~it~~  
5 the department finds bears a reasonable relation to the  
6 purposes of this ~~subsection~~ paragraph. Work is suitable if  
7 the work meets all the other criteria of this paragraph and  
8 if the gross weekly wages for the work equal or exceed the  
9 following percentages of one-thirteenth of the wages in insured  
10 work paid to the individual during that quarter of the  
11 individual's base period in which the individual's total wages  
12 were highest:

13 (1) One hundred percent, if the work is offered during  
14 the first five weeks of unemployment.

15 (2) Seventy-five percent, if the work is offered during  
16 the sixth through the twelfth week of unemployment.

17 (3) Seventy percent, if the work is offered during the  
18 thirteenth through the eighteenth week of unemployment.

19 (4) Sixty-five percent, if the work is offered after the  
20 eighteenth week of unemployment.

21 However, the provisions of this paragraph shall not require  
22 an individual to accept employment below the federal minimum  
23 wage.

24 b. Notwithstanding any other provision of this chapter,  
25 no work shall be deemed suitable and benefits shall not be  
26 denied under this chapter to any otherwise eligible individual  
27 for refusing to accept new work under any of the following  
28 conditions:

29 (1) If the position offered is vacant due directly to  
30 a strike, lockout, or other labor dispute;

31 (2) If the wages, hours, or other conditions of the work  
32 offered are substantially less favorable to the individual  
33 than those prevailing for similar work in the locality;

34 (3) If as a condition of being employed, the individual  
35 would be required to join a company union or to resign from

1 or refrain from joining any bona fide labor organization.

2 Sec. 13. Section ninety-six point five (96.5), subsection  
3 five (5), Code 1979, is amended to read as follows:

4 5. OTHER COMPENSATION. For any week with respect to which  
5 ~~he or she~~ the individual is receiving or has received payment  
6 in the form of:

7 a. Wages in lieu of notice, separation allowance, severance  
8 pay or dismissal pay;

9 b. Compensation for temporary disability under the workers'  
10 compensation law of any state or under a similar law of the  
11 United States;

12 c. Old-age benefits under title II of the Social Security  
13 Act (42 USC, chapter 7), as amended, or similar retirement  
14 payments under any Act of Congress; ~~however only fifty percent~~  
15 ~~of the old-age benefits under title II of the Social Security~~  
16 ~~Act shall be deducted from his or her weekly benefits;~~

17 d. ~~Benefits paid as retirement pay or as private pension~~  
18 A governmental or other pension, retirement or retired pay,  
19 annuity, or any other similar periodic payment which is based  
20 on the previous work of the individual.

21 Provided, that if such remuneration is less than the  
22 benefits which would otherwise be due under this chapter,  
23 ~~he or she~~ the individual shall be entitled to receive for  
24 such week, if otherwise eligible, benefits reduced by the  
25 amount of such remuneration. Provided further, if benefits  
26 were paid for any week under this chapter for a period when  
27 benefits, remuneration or compensation under paragraphs "a",  
28 "b", "c", or "d", of this subsection were paid on a retroactive  
29 basis for the same period, or any part thereof, the department  
30 shall recover any such excess amount of benefits paid by the  
31 department for such period, and no employer's account shall  
32 be charged with benefits so paid, provided further, however,  
33 that ~~retirement pay or~~ compensation for service-connected  
34 disabilities or ~~pensions and~~ compensation for accrued leave  
35 based on military service, by the beneficiary, with the armed

1 forces of the United States, irrespective of the amount of  
2 the benefit, shall in no way disqualify any individual,  
3 otherwise qualified, from any of the benefits contemplated  
4 herein.

5 Sec. 14. Section ninety-six point six (96.6), subsection  
6 two (2), Code 1979, is amended to read as follows:

7 2. INITIAL DETERMINATION. A representative designated  
8 by the director shall promptly notify all interested parties  
9 to the claim of the filing thereof, and said parties shall  
10 have seven ten days from the date of mailing the notice of  
11 the filing of said claim by ordinary mail to the last known  
12 address to protest payment of benefits to said claimant.  
13 The representative shall promptly examine the claim and any  
14 protest thereto and, on the basis of the facts found by the  
15 representative, shall determine whether or not such claim  
16 is valid, the week with respect to which benefits shall  
17 commence, the weekly benefit amount payable and the maximum  
18 duration thereof, and whether any disqualification shall be  
19 imposed. Unless the claimant or other interested party, after  
20 notification or within ten calendar days after such  
21 notification was mailed to the claimant's last known address,  
22 files an appeal from such decision, such decision shall be  
23 final and benefits shall be paid or denied in accordance  
24 therewith. If a hearing officer affirms a decision of the  
25 representative, or the appeal board affirms a decision of  
26 the hearing officer, allowing benefits, such benefits shall  
27 be paid regardless of any appeal which may thereafter be  
28 taken, but if such decision is finally reversed, no employer's  
29 account shall be charged with benefits so paid.

30 Sec. 15. Section ninety-six point six (96.6), subsec-  
31 tion eight (8), Code 1979, is amended to read as follows:

32 8. JUDICIAL REVIEW. ~~A decision of the appeal board shall~~  
33 ~~become final ten days after the date of notification or mailing~~  
34 ~~thereof.--Judicial review of any decision of the appeal board~~  
35 ~~may be sought in accordance with the terms of the Iowa~~

1 administrative-procedure-Act- An application for rehearing  
2 shall be filed pursuant to section seventeen A point sixteen  
3 (17A.16) of the Code. A petition for judicial review of a  
4 decision of the department or of the appeal board shall be  
5 filed pursuant to section seventeen A point nineteen (17A.19)  
6 of the Code. The department may be represented in any such  
7 judicial review proceeding by any qualified attorney who is  
8 a regular salaried employee of the department or who has been  
9 designated by the department for that purpose, or at the  
10 department's request, by the attorney general. Notwithstanding  
11 the terms of the Iowa administrative procedure Act, petitions  
12 for judicial review may be filed in the district court of  
13 the county in which the claimant was last employed or resides,  
14 provided that if the claimant does not reside in the state  
15 of Iowa the action shall be brought in the district court  
16 of Polk county, Iowa, and any other party to the proceeding  
17 before the appeal board shall be named in the petition.  
18 Notwithstanding the thirty-day requirement in section seventeen  
19 A point nineteen (17A.19), subsection six (6) of the Code,  
20 the department shall, within sixty days after filing of the  
21 petition for judicial review or within a longer period of  
22 time allowed by the court, transmit to the reviewing court  
23 the original or a certified copy of the entire record of a  
24 contested claim. The department may also certify to such  
25 courts, questions of law involved in any decision by it.  
26 Petitions for judicial review and the questions so certified  
27 shall be given precedence over all other civil cases except  
28 cases arising under the workers' compensation law of this  
29 state. No bond shall be required for entering an appeal from  
30 any final order, judgment or decree of the district court  
31 to the supreme court.

32 Sec. 16. Section ninety-six point seven (96.7), subsection  
33 three (3), paragraph a, subparagraph two (2), Code 1979, is  
34 amended to read as follows:

35 (2) The amount of regular benefits plus fifty percent

1 of the amount of extended benefits, as determined under section  
2 96.29, paid to an eligible individual shall be charged against  
3 the account of the employers in the base period in the inverse  
4 chronological order in which the employment of ~~such the~~  
5 individual occurred. Provided, that in any case in which  
6 ~~a-claimant~~ the individual to whom ~~such the~~ benefits are paid  
7 is in the employ of a base period employer at the time he  
8 ~~or-she~~ the individual is receiving ~~such the~~ benefits, and  
9 ~~he-or-she~~ the individual is receiving the same employment  
10 from ~~such the~~ employer that ~~he-or-she~~ the individual received  
11 during ~~his-or-her~~ the individual's base period, then ~~no-charge~~  
12 ~~of~~ benefits paid to ~~such-claimant~~ the individual shall not  
13 be made charged against the account of ~~such the~~ employer.  
14 ~~No~~ An employer's account shall not be charged with benefit  
15 payments made to any individual who ~~quit-such-employment~~ has  
16 left the work of the employer voluntarily without good cause  
17 attributable to the employer, but shall be charged to the  
18 account of the next succeeding employer with whom the  
19 individual requalified for benefits as determined under section  
20 96.5, subsection 1, paragraph "g". Provided further, that  
21 an employer's account shall not be charged with benefit  
22 payments made to an individual who has been discharged for  
23 misconduct in connection with the individual's employment,  
24 and shall not be charged with benefit payments made to an  
25 individual after the individual has failed without good cause,  
26 either to apply for available, suitable work or to accept  
27 suitable work or to return to customary self-employment, but  
28 shall be charged to the account of the next succeeding employer  
29 with whom the individual requalifies for benefits as determined  
30 respectively under section ninety-six point five (96.5),  
31 subsections two (2) and three (3) of the Code.

32 Sec. 17. Section ninety-six point seven (96.7), subsection  
33 three (3), paragraph a, subparagraph three (3), Code 1979,  
34 is amended to read as follows:

35 (3) The amount of regular benefits so charged in any

1 calendar quarter against the account of any employer shall  
2 not exceed the amount of such individual's wage credits based  
3 on employment with such employer during such quarter. The  
4 amount of extended benefits so charged in any calendar quarter  
5 against the account of any employer shall not exceed an  
6 additional fifty percent of the amount of such individual's  
7 wage credits based on employment with such employer during  
8 such quarter except that all extended benefits shall be so  
9 charged if a government reimbursable employer pays all extended  
10 benefits under subsection eight (8), paragraph c of this  
11 section.

12 Sec. 18. Section ninety-six point seven (96.7), subsection  
13 three (3), Code 1979, is amended by adding the following new  
14 lettered paragraph:

15 NEW LETTERED PARAGRAPH. If an employer has not filed a  
16 contribution or payroll quarterly report, as required under  
17 section ninety-six point eleven (96.11), subsection seven  
18 (7) of the Code, for a calendar quarter which precedes the  
19 computation date and upon which the employer's rate of  
20 contribution is computed, the employer's average annual taxable  
21 payroll shall be computed by adding the taxable wages in the  
22 appropriate quarterly reports on file and dividing that sum  
23 by the number of years and quarters of years for which  
24 quarterly reports are on file.

25 If a delinquent quarterly report is received by November  
26 fifteenth immediately following the computation date the rate  
27 of contribution shall be recomputed by using the taxable wages  
28 in all the appropriate quarterly reports on file to determine  
29 the average annual taxable payroll.

30 If a delinquent quarterly report is received after November  
31 fifteenth following the computation date the rate of  
32 contribution shall not be recomputed, unless the rate is  
33 appealed in writing to the department under paragraph e of  
34 this subsection and the delinquent quarterly report received  
35 after November fifteenth is also submitted not later than

1 thirty days after the department notifies the employer of  
2 the rate under paragraph e of this subsection.

3 Sec. 19. Section ninety-six point seven (96.7), subsection  
4 four (4), Code 1979, is amended by adding the following new  
5 paragraph:

6 NEW PARAGRAPH. EMPLOYER LIABILITY DETERMINATION. The  
7 department shall initially determine all questions relating  
8 to the liability of an employing unit or employer, including  
9 the amount of contribution, the rate of contribution, and  
10 successorship. A copy of the initial determination shall  
11 be sent by regular mail to the last address, according to  
12 the records of the department, of each affected employing  
13 unit or employer.

14 The affected employing unit or employer may appeal in  
15 writing to the department from the initial determination.  
16 An appeal shall not be entertained for any reason by the  
17 department unless the appeal is filed with the department  
18 within thirty days from the date on which the initial  
19 determination is mailed. If an appeal is not so filed, the  
20 initial determination shall with the expiration of the appeal  
21 period become final and conclusive in all respects and for  
22 all purposes.

23 A hearing on an appeal shall be conducted according to  
24 the regulations and rules promulgated by the department.  
25 A copy of the decision of the hearing officer shall be sent  
26 by regular mail to the last address, according to the records  
27 of the department, of each affected employing unit or employer.

28 The department's decision on the appeal shall be final  
29 and conclusive as to the liability of the employing unit or  
30 employer unless the employing unit or employer files an appeal  
31 for judicial review within thirty days after the date of  
32 mailing of the decision as provided in subsection six (6)  
33 of this section.

34 Sec. 20. Section ninety-six point seven (96.7), subsec-  
35 tion eight (8), paragraph a, Code 1979, is amended to read

1 as follows:

2 a. A government entity which is an employer under the  
3 provisions of this chapter shall make benefit payments in  
4 a manner provided for a government reimbursable employer  
5 unless the employer elects to pay unemployment compensation  
6 benefits as a contributing employer. Government entities  
7 may establish a group account as provided in this section.  
8 Any election under this subsection to be a government  
9 contributing employer shall be effective for a minimum of  
10 ~~two~~ one calendar ~~years~~ year and may be changed if an election  
11 is made to be a government reimbursable employer prior to  
12 December ~~±~~ first for a minimum of the ~~two~~ following calendar  
13 ~~years~~ year.

14 Sec. 21. Section ninety-six point seven (96.7), subsection  
15 eight (8), paragraph b, unnumbered paragraph one (1), Code  
16 1979, is amended to read as follows:

17 For the purposes of this subsection "government contributing  
18 employer" means a government entity electing to contribute  
19 for a minimum period of ~~two~~ one calendar ~~years~~ year at a  
20 contribution rate determined by the department in the following  
21 manner:

22 Sec. 22. Section ninety-six point seven (96.7), subsection  
23 eight (8), paragraph b, Code 1979, is amended by adding the  
24 following new subparagraphs:

25 NEW SUBPARAGRAPH. For the calendar year beginning January  
26 1, 1980 the contribution rate shall be computed by the  
27 department immediately preceding the rate computation date  
28 by using the potential benefit charges of all government  
29 contributing employers for calendar year 1978 divided by the  
30 total of all taxable wages of government contributing employers  
31 for calendar year 1978.

32 NEW SUBPARAGRAPH. For the calendar year beginning January  
33 1, 1981 and each subsequent year, each government contributing  
34 employer with at least eight consecutive calendar quarters  
35 immediately preceding the rate computation date throughout

1 which the employer's account has been chargeable with benefit  
 2 payments, shall be assigned a contribution rate under the  
 3 provisions of this subparagraph. Contribution rates shall  
 4 be assigned by listing all such government contributing  
 5 employers by decreasing percentages of excess from the highest  
 6 positive percentage of excess to the highest negative  
 7 percentage of excess. The employers so listed shall be grouped  
 8 into seven separate percentage of excess ranks each containing  
 9 as nearly as possible one-seventh of the total taxable wages  
 10 of government entities eligible to be assigned a rate under  
 11 this subparagraph. The department shall annually calculate  
 12 a base rate for each calendar year. The base rate is equal  
 13 to the sum of the benefit payments charged to government  
 14 contributing employers in the preceding calendar year at the  
 15 time of the rate computation plus the difference between the  
 16 total benefits less contributions made by government  
 17 contributing employers since January 1, 1980 which sum is  
 18 divided by the total taxable wages of government contributing  
 19 employers for the preceding year rounded to the next highest  
 20 one-tenth of a percentage point. If total contributions since  
 21 January 1, 1980 exceed total benefit payments for government  
 22 contributing employers, the difference shall be subtracted  
 23 from the benefit payments of the preceding year. If benefits  
 24 since January 1, 1980 exceed total contributions for government  
 25 contributing employers the difference shall be added to the  
 26 benefit payment of the preceding year. Excess contributions  
 27 for the years 1978 and 1979 will be used to offset benefit  
 28 payments in any year where total benefit payments exceed total  
 29 contributions of government contributing employers. The  
 30 contribution rate as a percentage of taxable wages of the  
 31 employer shall be assigned as follows:

32 If the percentage	The contribution	Approximate
33 of excess rank is:	rate shall be:	cumulative
34	_____	<u>taxable payroll:</u>
35           1	Base Rate - 0.9	14.3

1	2	Base Rate - 0.6	28.6
2	3	Base Rate - 0.3	42.9
3	4	Base Rate	57.2
4	5	Base Rate + 0.3	71.5
5	6	Base Rate + 0.6	85.8
6	7	Base Rate + 0.9	100.0

7 If a government contributing employer is grouped into two  
8 separate percentage of excess ranks, the employer shall be  
9 assigned the lower contribution rate of the two percentage  
10 of excess ranks. Notwithstanding the provisions of this  
11 subparagraph, a government contributing employer shall not  
12 be assigned a contribution rate less than one-tenth of one  
13 percent of taxable wages unless the employer has a positive  
14 percentage of excess greater than five percent. For the  
15 purposes of this subsection percentage of excess has the  
16 meaning provided in subsection three (3), paragraph d of this  
17 section.

18 For the calendar year beginning January 1, 1981, government  
19 entities electing to be government contributing employers  
20 which are not otherwise eligible to be assigned a contribution  
21 rate under this subparagraph shall be assigned the base rate  
22 for the calendar year as a contribution rate for the calendar  
23 year.

24 Sec. 23. Section ninety-six point eleven (96.11),  
25 subsection seven (7), Code 1979, is amended to read as follows:

26 7. RECORDS AND REPORTS.

27 a. Each employing unit shall keep true and accurate work  
28 records, containing such information as the department may  
29 prescribe. Such records shall be open to inspection and be  
30 subject to being copied by the department or its authorized  
31 representatives at any reasonable time and as often as may  
32 be necessary. The director or a duly authorized representative  
33 of the department may require from any employing unit any  
34 sworn or unsworn reports, with respect to persons employed  
35 by the ~~department~~, employing unit which the director deems

1 necessary for the effective administration of this chapter.  
2 ~~information thus obtained shall not be published or be open~~  
3 ~~to public inspection, other than to public employees in the~~  
4 ~~performance of their public duties or to an agent of the~~  
5 ~~department designated as such in writing for the purpose of~~  
6 ~~accomplishing certain functions of the department, in any~~  
7 ~~manner revealing the employing unit's identity, but any~~  
8 ~~claimant at a hearing before a hearing officer or the appeal~~  
9 ~~board shall be supplied with information from such records~~  
10 ~~to the extent necessary for the proper presentation of the~~  
11 ~~claim.~~

12 b. (1) The department shall hold confidential the infor-  
13 mation obtained from an employing unit or individual in the  
14 course of administering this chapter and the determinations  
15 made as to the benefit rights of an individual. The department  
16 shall not disclose or open this information for public  
17 inspection in a manner that reveals the identity of the  
18 individual or employing unit, except as provided in  
19 subparagraph three (3) of this paragraph and paragraph c of  
20 this subsection.

21 (2) A report or statement, whether written or verbal,  
22 made by a person to the department or to a person administering  
23 this law is a privileged communication. A person is not  
24 liable for slander or libel on account of such a report or  
25 statement.

26 (3) Information obtained from an employing unit or  
27 individual in the course of administering this chapter and  
28 determinations as to benefit rights of an individual shall  
29 not be used in an action or proceeding before any court or  
30 administrative tribunal unless the department is a party to  
31 the action or proceeding. Information in the department's  
32 possession that may affect a claim for benefits or a change  
33 in an employer's rating account shall be made available to  
34 the affected parties or their legal representatives. Such  
35 information may be used by the affected parties in a proceeding

1 under this chapter to the extent necessary for the proper  
2 presentation or defense of a claim.

3 c. Subject to conditions as the department by rule  
4 prescribes, information obtained from an employing unit or  
5 individual in the course of administering this chapter and  
6 determinations as to benefit rights of an individual may be  
7 made available to any of the following:

8 (1) An agency of this or any other state, or a federal  
9 agency responsible for the administration of an unemployment  
10 compensation law or the maintenance of a system of public  
11 employment offices.

12 (2) The bureau of internal revenue of the United States  
13 department of the treasury.

14 (3) The Iowa department of revenue.

15 (4) The social security administration of the United  
16 States department of health, education and welfare.

17 (5) An agency of this or any other state or a federal  
18 agency responsible for the administration of public works  
19 or the administration of public assistance to unemployed  
20 workers.

21 (6) Colleges, universities and public agencies of this  
22 state for use in connection with research of a public nature,  
23 provided the department does not reveal the identity of any  
24 individual or employing unit.

25 Information released by the department shall only be used  
26 for purposes consistent with the purposes of this chapter.

27 d. Upon request of an agency of this or another state  
28 or of the federal government which administers or operates  
29 a program of public assistance under either federal law or  
30 the law of this or another state, or which is charged with  
31 a duty or responsibility under any such program, and if that  
32 agency is required by law to impose safeguards for the  
33 confidentiality of information at least as effective as  
34 required under this section, then the department shall provide  
35 to the requesting agency, with respect to any named individual

1 specified, any of the following information:

2 (1) Whether the individual is receiving, has received,  
3 or has made application for unemployment compensation under  
4 this chapter.

5 (2) The period, if any, for which unemployment compensa-  
6 tion was payable and the weekly rate of compensation paid.

7 (3) The individual's most recent address.

8 (4) Whether the individual has refused an offer of employ-  
9 ment, and, if so, the date of the refusal and a description  
10 of the employment refused, including duties, conditions of  
11 employment, and the rate of pay.

12 e. The department may require an agency that is provided  
13 information under this section to reimburse the department  
14 for the costs of furnishing the information.

15 f. Any employee of the department or member of the appeal  
16 board who violates any provision of this section shall be  
17 fined not less than twenty dollars nor more than two hundred  
18 dollars, or imprisoned for not longer than ninety days, or  
19 both.

20 g. Information subject to the confidentiality of this  
21 section shall not be made available to any authorized agency  
22 prior to notification in writing to the individual involved,  
23 except in criminal investigations.

24 Sec. 24. Section ninety-six point eleven (96.11),  
25 subsection nine (9), Code 1979, is amended to read as follows:

26 9. SUBPOENAS. In case of contumacy by, or refusal to  
27 obey a subpoena issued to any person, any court of this state  
28 within the jurisdiction of which the inquiry is carried on  
29 or within the jurisdiction of which said person guilty of  
30 contumacy or refusal to obey is found or resides or transacts  
31 business, upon application by the ~~appeal-board~~ department,  
32 or any member or duly authorized representative thereof, shall  
33 have jurisdiction to issue to such person an order requiring  
34 such person to appear before the ~~appeal-board,~~ there department  
35 or any member or duly authorized representative thereof to

1 produce evidence if so ordered or there to give testimony  
2 touching the matter under investigation or in question; any  
3 failure to obey such order of the court may be punished by  
4 said court as a contempt thereof.

5 Sec. 25. Section ninety-six point fourteen (96.14),  
6 subsection three (3), Code 1979, is amended by adding the  
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. If an amount due from a  
9 governmental entity of this state remains due and unpaid for  
10 a period of one hundred twenty days after the due date, the  
11 director shall take action as necessary to collect the amount  
12 and shall levy against any funds due the governmental entity  
13 from the state treasurer, director of the department of  
14 revenue, or any other official or agency of this state or  
15 against an account established by the entity in any bank.  
16 The official, agency or bank shall deduct the amount certified  
17 by the director from any accounts or deposits or any funds  
18 due the delinquent governmental entity without regard to any  
19 prior claim and shall promptly forward the amount to the  
20 director for the fund. However, the director shall notify  
21 the delinquent entity of the director's intent to file a levy  
22 by certified mail at least ten days prior to filing the levy  
23 on any funds due the entity from any state official or agency.

24 Sec. 26. Section ninety-six point sixteen (96.16),  
25 subsection one (1), Code 1979, is amended to read as follows:

26 1. PENALTIES. ~~Whoever~~ An individual who makes a false  
27 statement or representation knowing it to be false or knowingly  
28 fails to disclose a material fact, to obtain or increase any  
29 benefit or other payment under this chapter, either for himself  
30 ~~or herself~~ the individual or for any other ~~person~~ individual,  
31 ~~shall-be~~ is guilty of a fraudulent practice as defined in  
32 section seven hundred fourteen point eight (714.8) through  
33 seven hundred fourteen point fourteen (714.14) of the Code.  
34 ~~Each-such-false-statement-or-representation-or-failure-to~~  
35 ~~disclose-a-material-fact-shall-constitute-a-separate-offense-~~

1 The total amount of benefits or payments involved in the  
 2 completion of or in the attempt to complete a fraudulent  
 3 practice shall be used in determining the value involved under  
 4 section seven hundred fourteen point fourteen (714.14) of  
 5 the Code.

6 Sec. 27. Section ninety-six point sixteen (96.16), sub-  
 7 section two (2), Code 1979, is amended to read as follows:

8 2. FALSE STATEMENT. Any employing unit or any officer  
 9 or agent of an employing unit or any other person who makes  
 10 a false statement or representation knowing it to be false,  
 11 or who knowingly fails to disclose a material fact, to prevent  
 12 or reduce the payment of benefits to any individual entitled  
 13 thereto, or to avoid becoming or remaining subject hereto,  
 14 or to avoid or reduce any contribution or other payment  
 15 required from an employing unit under this chapter, or who  
 16 willfully fails or refuses to make any such contributions  
 17 or other payment or to furnish any reports required hereunder  
 18 or to produce or permit the inspection or copying of records  
 19 as required hereunder, ~~shall be~~ is guilty of a fraudulent  
 20 ~~practice, and each such false statement or representation~~  
 21 ~~or failure to disclose a material fact, and each day of such~~  
 22 ~~failure or refusal, shall constitute a separate offense as~~  
 23 defined in sections seven hundred fourteen point eight (714.8)  
 24 through seven hundred fourteen point fourteen (714.14) of  
 25 the Code. The total amount of benefits, contributions or  
 26 payments involved in the completion of or in the attempt to  
 27 complete a fraudulent practice shall be used in determining  
 28 the value involved under section seven hundred fourteen point  
 29 fourteen (714.14) of the Code.

30 Sec. 28. Section ninety-six point sixteen (96.16),  
 31 subsection four (4), Code 1979, is amended to read as follows:

32 4. MISREPRESENTATION. ~~Any person~~ An individual who, by  
 33 reason of the nondisclosure or misrepresentation by ~~him or~~  
 34 ~~her~~ the individual or by another, of a material fact, has  
 35 received any sum as benefits under this chapter while any

1 conditions for the receipt of benefits imposed by this chapter  
2 were not fulfilled in ~~his-or-her~~ the individual's case, or  
3 while ~~he-or-she~~ the individual was disqualified from receiving  
4 benefits, shall, in the discretion of the department, either  
5 be liable to have ~~such~~ the sum deducted from any future  
6 benefits payable to ~~him-or-her~~ the individual under this  
7 chapter or shall be liable to repay to the department for  
8 the unemployment compensation fund, a sum equal to the amount  
9 so received by ~~him-or-her~~ and such sum shall be collectible  
10 ~~in the manner provided in section 96.14, subsection 3, for~~  
11 ~~the collection of past-due contributions~~ the individual.

12 If the department seeks to recover the amount of the benefits  
13 by having the individual pay to the department a sum equal  
14 to that amount, the department may file a lien with the county  
15 recorder in favor of the state on the individual's property  
16 and rights to property, whether real or personal. The amount  
17 of the lien shall be collected in a manner similar to the  
18 provisions for the collection of past-due contributions in  
19 section ninety-six point fourteen (96.14), subsection three  
20 (3) of the Code.

21 Sec. 29. Section ninety-six point nineteen (96.19), subsec-  
22 tion six (6), paragraph a, subparagraph seven (7)(a), Code  
23 1979, is amended to read as follows:

24 (7)(a) A person in agricultural labor when such labor  
25 is performed for an employing unit which during any calendar  
26 quarter in the calendar year or the preceding calendar year  
27 paid remuneration in cash of twenty thousand dollars or more  
28 to individuals employed in agricultural labor excluding labor  
29 performed before January 1, 1980, by an alien referred to  
30 in this subparagraph; or on each of some twenty days during  
31 the calendar year or the preceding calendar year, each day  
32 being in a different calendar week, employed in agricultural  
33 labor for some portion of the day ten or more individuals,  
34 excluding labor performed before January 1, 1980, by an alien  
35 referred to in this subparagraph; and such labor is not

1 agricultural labor performed before January 1, 1980, by an  
2 individual who is an alien admitted to the United States to  
3 perform agricultural labor pursuant to sections 214(c) and  
4 101(a)(15)~~(H)~~(H) of the Immigration and Nationality Act,  
5 8 U.S.C. s. 1184(c), 1101(a)(15)(H) (1976).

6 Sec. 30. Section ninety-six point nineteen (96.19),  
7 subsection twenty-eight (28), Code 1979, is amended to read  
8 as follows:

9 28. There is a state "on" indicator for a week if the  
10 rate of insured unemployment under the state law for the  
11 period consisting of such week and the immediately preceding  
12 twelve weeks:

13 ~~a---Equaled-or-exceeded-five-percent,-or~~

14 ~~b---Equaled~~ equaled or exceeded four percent and equaled  
15 or exceeded one hundred twenty percent of the average of ~~these~~  
16 the rates for the corresponding thirteen-week period ending  
17 in each of the two preceding ~~two~~ calendar years.

18 Sec. 31. Section ninety-six point nineteen (96.19),  
19 subsection twenty-nine (29), Code 1979, is amended to read  
20 as follows:

21 29. There is a state "off" indicator for a week if, for  
22 the period consisting of ~~such~~ the week and the immediately  
23 preceding twelve weeks, the rate of insured unemployment under  
24 the state law was:

25 ~~a---Less~~ less than four percent, or

26 ~~b---Less~~ less than ~~five-percent-and-less-than~~ one hundred  
27 twenty percent of the average of ~~these~~ the rates for thirteen  
28 weeks ending in each of the two preceding calendar years,  
29 except that, notwithstanding any ~~such~~ provision of this  
30 subsection, any week for which there would otherwise be a  
31 state "on" indicator shall continue to be such a week and  
32 shall not be determined to be a week for which there is a  
33 state "off" indicator.

34 Sec. 32. Section six hundred twenty-six point twenty-nine  
35 (626.29), Code 1979, is amended to read as follows:



1 compensation benefits would be computed according to the  
2 following formula: partial unemployment benefits = the  
3 employee's weekly benefit amount - (the employee's actual  
4 partial weekly wages - (1/4 of the employee's weekly benefit  
5 amount)). The same individual as above would still receive  
6 (\$133 - (\$147.99 - 1/4 (\$133))) \$18.26 in benefits under this  
7 bill.

8 Section 2 of the bill provides that an individual's weekly  
9 benefit amount is computed by using 1/22 of the individual's  
10 quarterly wages instead of 1/20, i.e., approximately 59%  
11 instead of 65% of the individual's gross wages. The section  
12 also provides that the maximum weekly unemployment compensation  
13 benefit be frozen at its current maximum level (\$133) until  
14 such time as 58% of the statewide average weekly wage exceeds  
15 \$133 at which point 58% of the average weekly wage becomes  
16 the maximum weekly benefit amount. Under current law the  
17 maximum weekly amount is 66 2/3% of the statewide average  
18 weekly wage.

19 Section 3 of the bill strikes the current law which allows  
20 a maximum of 39 weeks of benefits when the state and national  
21 "off indicators" are in effect. Sections 30 and 31 are  
22 corrective amendments in light of the adoption of section  
23 3. This is necessary because under the current law it is  
24 in the state's interest to have the national "on" indicator  
25 in effect so that the federal government picks up 50% of the  
26 additional 13 weeks in excess of 26 weeks benefits. Thus  
27 under the current law when the unemployment compensation  
28 received exceeds 5% the "on" indicator will trigger and the  
29 federal government will support 50% of the cost. If Iowa  
30 lowers the maximum weeks of benefits from 39 to 26 weeks,  
31 a drain on the trust fund will be decreased if the state does  
32 not trigger the "on" indicator. The reasoning is simply that  
33 with the "on" indicator on the state will be liable for an  
34 additional 50% of the excess over 26 weeks of benefits and  
35 with the "off" indicator on the state will be liable for only

1 26 weeks of benefits. This section also changes the fraction  
2 of the individual's wages which are credited to the  
3 individual's account from 1/2 to 1/3.

4 Section 4 of the bill rewrites the section of the Code  
5 dealing with the recovery of benefit overpayments. The  
6 department is required to recover overpayments by either  
7 deducting the overpayments from future benefits or seeking  
8 immediate payment.

9 Section 5 of the bill requires the department to recover  
10 the amount of benefits for which an individual also receives  
11 back pay. The department may reach an agreement with the  
12 individual and the employer to allow the employer to deduct  
13 the amount of benefits from the back pay and to remit that  
14 amount to the department. The employer is not charged with  
15 benefit charges for the amount remitted. Otherwise the  
16 department may recover the amount in the same manner as  
17 overpayments are recovered under section 4 of the bill.

18 Section 6 of the bill retains the current eligibility  
19 requirements as minimums and adds eligibility requirements  
20 requiring that the individual must have been paid wages for  
21 insured work in the base period in an amount equal to or  
22 exceeding 1 1/2 times the individual's wages in the  
23 individual's highest quarter. If an individual has drawn  
24 benefits in any benefit year, the individual must work in  
25 and be paid wages for insured work totaling six times the  
26 individual's highest quarterly average weekly wage, as a  
27 condition to receive benefits in the next benefit period.

28 Section 7 of the bill disallows unemployment benefits for  
29 individuals employed in an instructional, research, or  
30 principally administrative capacity by an educational  
31 institution operated by a government entity or nonprofit  
32 organization during paid sabbatical leave provided in the  
33 individual's contract. The present law has a similar exemption  
34 for individuals employed in an institute for higher education.

35 Section 8 of the bill restores a one-week waiting period

1 to the unemployment compensation law. An individual is  
2 required to be unemployed for a period of one week before  
3 becoming eligible for benefits. After the individual has  
4 been receiving benefits for five consecutive weeks, he or  
5 she receives compensation for the waiting period. The one-  
6 week waiting period requirement was removed in 1976 by the  
7 Sixty-sixth General Assembly.

8 Section 9 of the bill clarifies an existing subsection  
9 of the Code. The department of job service determines whether  
10 or not an individual has returned to the individual's employer  
11 and has offered to perform services and whether or not the  
12 individual's regular work or comparable suitable work was  
13 available.

14 Section 10 of the bill amends the six consecutive week  
15 requirement to require that the individual earn wages equal  
16 to nine times the individual's weekly benefit amount in order  
17 to requalify for benefits after a voluntary quit.

18 Sections 11 and 16 of the bill require an individual who  
19 has been discharged for misconduct during employment to  
20 requalify for unemployment benefits by securing employment  
21 and earning 12 times the individual's weekly benefit amount.  
22 The one to nine week forfeiture provision is deleted. These  
23 sections further provide that the discharging employer's  
24 unemployment contribution account will not be charged and  
25 instead charges the account of the subsequent employer with  
26 which the individual requalifies for benefits. An individual  
27 discharged for gross misconduct, i.e., convicted of an  
28 indictable offense, loses all wage credits accumulated up  
29 to the time of the discharge, and must work and earn 14 times  
30 the individual's weekly benefit amount in order to requalify  
31 for benefits.

32 Section 12 of the bill requires an unemployed individual  
33 to apply to and to obtain the signatures of employers  
34 designated by the department of job service. If an individual  
35 fails to obtain the required signatures, unless an employer

1 refuses to sign, the individual is disqualified until the  
2 individual requalifies by working and earning nine times the  
3 individual's weekly benefit amount. Section 12 of the bill  
4 also modifies the current law's disqualification for failure  
5 to accept available, suitable work. The requirements of  
6 experience and prior earnings are deleted. For the 6th through  
7 the 14th week of unemployment work is suitable if it meets  
8 the criteria of the paragraph of the Code and if the gross  
9 weekly wages for the work equal or exceed 75% of the gross  
10 wages of the individual's highest average weekly wage at his  
11 or her last permanent job covered under the unemployment  
12 compensation law. For the 13th through the 18th week of  
13 unemployment the percentage would be 70% and for the weeks  
14 after the 18th week the percentage would be 65%. However,  
15 an individual is not required to accept employment below the  
16 federal minimum wage.

17 Section 13 of the bill reduces unemployment benefits by  
18 any separation allowance, severance pay, dismissal pay, old-  
19 age benefit, governmental or other pension, retirement or  
20 retired pay, annuity, or any other similar periodic payment  
21 based on previous work, to the extent of payments received.  
22 The changes are mandated by federal law, 26 U.S.C.A.

23 s.3304(a)(15)(West Supp. 1978), except for the reduction of  
24 any separation allowance, severance pay, or dismissal pay.

25 Section 14 of the bill increases the period of appeal in  
26 which an employer may protest an employee's claim for unemploy-  
27 ment compensation from seven days to ten days.

28 Section 15 of the bill clarifies the judicial review  
29 procedure for contested unemployment compensation claims and  
30 refers to specific requirements in the Iowa Administrative  
31 Procedure Act. If a party files a timely application for  
32 rehearing, i.e., within 20 days after the issuance of a final  
33 department of job service or appeal board decision, the party  
34 must petition for judicial review of that decision within  
35 30 days after the application for rehearing has been denied

1 or deemed denied. If a party does not file an application  
2 for rehearing or a rehearing is granted, a petition for  
3 judicial review must be filed within 30 days after issuance  
4 of the department's or appeal board's final decision. The  
5 section also extends from 30 days to 60 days the time period  
6 in which the department must normally transmit to the reviewing  
7 court the original or a certified copy of the entire record  
8 of a contested unemployment compensation claim.

9 Section 16 of the bill provides that the next succeeding  
10 employer with whom an individual requalifies for benefits,  
11 and not an earlier employer, will be charged with benefit  
12 payments made to an individual who was discharged for  
13 misconduct from the earlier employment, voluntarily quit the  
14 earlier employment, or failed to apply for or accept available,  
15 suitable work during unemployment from the earlier employment.

16 Section 17 of the bill clarifies the percentage of extended  
17 benefits which is charged against the individual accounts  
18 of government reimbursable employers. The section specifically  
19 requires a 100% charge against the employer account by  
20 referring to section 96.7, subsection 8, paragraph c of the  
21 Code which mandates 100% liability for extended benefits after  
22 January 1, 1979 in order to comply with federal requirements.

23 Section 18 of the bill provides for the computation of  
24 employers' rates of contribution if the employers fail to  
25 file contribution or payroll quarterly reports. The rate  
26 is recomputed by adding the wages but not the contributions  
27 of the delinquent report if it is recovered before November  
28 15. If a delinquent report is not received by November 15,  
29 the contribution rate is not recomputed unless the rate is  
30 appealed in writing to the department and the delinquent  
31 report is submitted not later than 30 days after the department  
32 notifies the employer of the rate.

33 Section 19 of the bill provides and clarifies a procedure  
34 for determination of employer contributions, appeal of the  
35 determination, and finality of the department's determination

1 and decision on appeal. An appeal of the department's final  
2 determination or decision would go directly to district court.

3 Sections 20 and 21 allow a government entity to elect to  
4 become contributory or reimbursable on a one-year basis rather  
5 than on a two-year basis.

6 Section 22 of the bill establishes a contribution rate  
7 for government contributing employers for the 1980 calendar  
8 year and establishes a merit rate system for the years  
9 following the 1980 calendar year. The merit rate system  
10 assigns the lowest contribution rates to government entities  
11 with the greatest percentage of contributions in excess of  
12 benefit payments chargeable against the government entity.

13 Section 23 of the bill provides that information obtained  
14 by the department of job service necessary to administer the  
15 unemployment compensation law shall be confidential and  
16 privileged information that can only be used in court or  
17 agency proceedings by the affected parties or the department  
18 of job service. The section also provides that the department  
19 of job service may not disclose or open this information for  
20 public inspection in a manner that reveals the identity of  
21 the individual or employing unit. The section also provides  
22 for mandatory disclosure of specified information to certain  
23 agencies as required by federal law. The section also requires  
24 a party receiving information to reimburse the department  
25 for the costs of providing the information, and imposes a  
26 penalty on departmental personnel who violate any provision  
27 of the section. Information subject to this section cannot  
28 be made available to any agency unless the involved individual  
29 is notified, except in criminal investigations.

30 Section 24 of the bill allows the Iowa department of job  
31 service or any member or duly authorized representative to  
32 apply for a subpoena requiring a person to appear and produce  
33 evidence or give testimony. The current Code section allows  
34 only the appeal board to apply for such a subpoena.

35 Section 25 of the bill requires the director of the

1 department of job service to collect from government entities  
2 any amounts that are due and unpaid for a period of 120 days.  
3 The director is required to levy against any deposits or funds  
4 due the delinquent entity from the state treasurer, department  
5 of revenue, any other official or agency of the state, or  
6 any bank account. The director is required to notify the  
7 delinquent entity of the intent to levy by certified mail  
8 at least ten days prior to filing the levy if the levy is  
9 on funds held by a state official or agency.

10 Sections 26 and 27 of the bill require that the value of  
11 unemployment benefits, payments or contributions involved  
12 in a fraudulent practice determine the degree of fraudulent  
13 practice as defined in the criminal code. Each act of an  
14 offender is no longer considered a separate offense.

15 Section 28 of the bill authorizes the department of job  
16 service to file a lien against individuals who receive benefits  
17 through misrepresentation.

18 Section 29 of the bill corrects a typographical error in  
19 the Code.

20 Sections 30 and 31 are explained in the explanation of  
21 section 3 of the bill.

22 Section 32 of the bill sets forth clearly in the executions  
23 chapter the power of the department of job service to use  
24 garnishment for the collection of employment security  
25 contributions.

26 Section 33 of the bill repeals section 96.5, subsection  
27 7, paragraph d of the Code. The repeal allows certain vacation  
28 pay to offset benefits in more than one week.

29 Section 34 of the bill makes the Act effective July 1,  
30 1979.

31  
32  
33  
34  
35

FISCAL NOTE

DATE: MARCH 14, 1979  
 REQUESTED BY: SENATOR TAYLOR

In compliance with a written request received March 14, 19 79, there is hereby submitted a Fiscal Note for Senate File 373 pursuant to Joint Rule 15. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 373, An Act relating to unemployment compensation by limiting benefits through requiring a one-week waiting period for eligibility for benefits, by reducing benefits from thirty-nine to twenty-six weeks and from sixty-six and two-thirds to fifty-eight percent of the average weekly wage and through recomputation of individual weekly benefit amounts and wage credits, and partial benefits, by providing for the recovery of overpayments, back pay, certain benefits, and funds due from government entities, by denying benefits during paid sabbatical leave, by offsetting benefits with severance pay, governmental retirement pay and back pay, by modifying the attachment and reattachment to-the-work-force requirements and certain disqualification and requalification requirements for voluntary quits, misconduct, and failure to accept suitable work, by establishing procedures for employer liability determinations and rates of contribution for government contributing employers, by recomputing certain charges against employer accounts and rates of contribution when employer reports are delinquent, by extending the appeal period for protesting employers and the period for transmission of the job service record to a reviewing court, by clarifying the confidentiality of job service information and the job service subpoena and garnishment powers, by allowing certain vacation pay to offset benefits.

	<u>Current Law</u>	<u>S.F. 373</u>	<u>Decrease</u>	<u>% Decr.</u>
Expenditures:				
Benefits & Claims				
FY 1979-80	\$116,000,000	\$89,000,000	\$27,000,000	23.6%

Benefit payments would decrease 25.4% each year after fiscal year 1980.

The above estimate on sections 2, 3 and 6 is based on the following assumptions:

1. The distribution of claimants, by base period and high quarter earnings, in the future is similar to the historical data used for the estimates. All claimants who filed a claim between July 1, 1977 and June 30, 1978 were used in preparing the estimates.
2. Economic conditions remain similar to the time period mentioned above.
3. Extended benefits are not being paid in Iowa
4. No other changes are made in the existing law.

No estimates can be made at this time on the remaining sections of the bill because of insufficient data availability.

SOURCE: IOWA DEPARTMENT OF JOB SERVICE  
 FILED: MARCH 14, 1979

BY GERRY RANKIN, DIRECTOR  
 LEGISLATIVE FISCAL BUREAU

SENATE FILE 373

S-3180

1 Amend Senate File 373 as follows:  
2 1. Page 2, by inserting after line 25 the  
3 following:  
4 "Sec. \_\_\_\_ . Section ninety-six point three (96.3),  
5 subsection five (5), Code 1979, is amended by adding  
6 the following new paragraph:  
7 NEW PARAGRAPH. The individual who was involved  
8 in a labor dispute, that resulted in an election  
9 decertifying the official bargaining representative  
10 of the individual, and the individual has not  
11 failed to apply for available, suitable work or  
12 to accept suitable work at the individual's last  
13 place of employment, when so directed by the  
14 department, shall not be disqualified from benefits."

S-3180 FILED *Adopted as amended by* BY WILLIAM D. PALMER  
MARCH 8, 1979 *3205 3/4 (p. 784)*

SENATE FILE 373

S-3181

1 Amend Senate File 373 as follows:  
2 1. Page 32, by striking lines 22 through  
3 25.

S-3181 FILED *Withdrawn 3/14 (p. 785)* BY WILLIAM D. PALMER  
MARCH 8, 1979

SENATE FILE 373

S-3186

1 Amend Senate File 373 as follows:  
2 1. Page 1, by striking lines 23 through 27 and  
3 inserting in lieu thereof the words "limitation: The  
4 ~~director shall determine annually a maximum weekly~~  
5 ~~benefit amount by computing sixty-six and two-thirds~~  
6 shall be either eighty percent of the individual's  
7 spendable weekly earnings, as defined in section  
8 eight-five point sixty-one (85.61), subsection eleven  
9 (11) of the Code, or sixty-three percent of the  
10 statewide average weekly wage paid to employees in  
11 insured work which shall be computed annually by the  
12 director and effective the first day of the first  
13 full week in July, whichever is less. However, the  
14 maximum".

S-3186 FILED *See of order 3/4 (p. 782)* BY LUCAS J. DeKOSTER  
MARCH 8, 1979

S-3209

- 1 Amend Senate File 373 as follows:  
 2 1. Page 7, by striking lines 24 and 25 and  
 3 inserting in lieu thereof the words "to attempt to  
 4 obtain the signatures of designated employers shall  
 5 disqualify the individual".  
 6 2. Page 7, by striking line 35 and inserting in  
 7 lieu thereof the words "prior training, his-ex-his  
 8 experience and prior earnings,".  
 9 3. Page 8, line 15, by striking the word "Seventy-  
 10 five" and inserting in lieu thereof the word "Ninety-  
 11 five".  
 12 4. Page 8, line 17, by striking the word "Seventy"  
 13 and inserting in lieu thereof the word "Ninety".  
 14 5. Page 8, line 19, by striking the word "Sixty-  
 15 five" and inserting in lieu thereof the word "Eighty-  
 16 five".

S-3209 FILED *withdrawn 3/14 (p. 783)*  
 MARCH 12, 1979

BY BOB CARR

## SENATE FILE 373

S-3208

- 1 Amend Senate File 373 as follows:  
 2 1. Page 25, line 7, by striking the word  
 3 "individual" and inserting in lieu thereof the words  
 4 "employer".  
 5 2. Page 25, line 9, by striking the word  
 6 "individual" and inserting in lieu thereof the word  
 7 "employer".

S-3208 FILED *Adopted 3/14 (p. 784)*  
 MARCH 12, 1979

BY BOB CARR

## SENATE FILE 373

S-3210

- 1 Amend Senate File 373 as follows:  
 2 1. Page 9, lines 7 and 8, by striking the words  
 3 ", separation allowance, severance pay or dismissal  
 4 pay".  
 5 2. Page 24, by inserting after line 5 the  
 6 following:  
 7 "Sec. \_\_\_\_ . Section ninety-six point nineteen  
 8 (96.19), subsection twenty (20), Code 1979, is amended  
 9 by adding the following new unnumbered paragraph:  
 10 NEW UNNUMBERED PARAGRAPH. Taxable wages shall  
 11 not include a separation allowance, severance pay  
 12 or dismissal pay."

S-3210 FILED *Withdrawn 3/14 (p. 783)*  
 MARCH 12, 1979

BY BOB CARR

SENATE FILE 373

S-3195

- 1 Amend Senate File 373 as follows:  
2 1. Page 25, by striking lines 10 and 11

S-3195 FILED *Leah 3/14 (p. 725)*  
MARCH 9, 1979

BY WILLIAM D. PALMER

SENATE FILE 373

S-3202

- 1 Amend Senate File 373 as follows:  
2 1. Page 2, line 9, by striking the word "twenty-  
3 six" and inserting in lieu thereof the words "twenty-  
4 six twenty-seven".

S-3202 FILED *Kathleen 3/14 (p. 182)*  
MARCH 12, 1979

BY JOAN ORR

SENATE FILE 373

S-3205

- 1 Amend Senate File 373 as follows:  
2 1. Page 1 by striking lines 19 through 22 and  
3 inserting in lieu thereof the words "to one-twentieth  
4 eighty percent of his-or-her the individual's  
5 spendable weekly earnings total wages in insured  
6 work paid during that quarter of his-or-her the  
7 individual's base period in which the individual's  
8 such total wages were highest, subject to the  
9 following".  
10 2. Page 1, line 25 by striking the words  
11 "fifty-eight" and inserting in lieu thereof the  
12 words "sixty-three".  
13 3. Page 1, line 29 by striking the words  
14 "fifty-eight" and inserting in lieu thereof the  
15 words "sixty-three".  
16 4. Page 1, line 33 by striking the words  
17 "fifty-eight" and inserting in lieu thereof the  
18 words "sixty-three".  
19 5. Page 2, by inserting after line 2 the  
20 following new unnumbered paragraph:  
21 "For the purposes of this subsection "spendable  
22 weekly earnings" means that amount remaining after  
23 payroll taxes are deducted from gross weekly  
24 earnings. The meaning of "payroll taxes" is that  
25 meaning defined in Section eighty-five point  
26 sixty-one (85.61), subsection ten (10) of the  
27 Code."

S=3205 FILED *w/a 3/14 (p. 715)*  
MARCH 12, 1979

BY LUCAS J. DE KOSTER

SENATE FILE 373

S-3217

1 Amend Senate File 373 as follows:

2 1. Page 13, by inserting after line 11 the  
3 following:

4 "Sec. . . . Section ninety-six point seven (96.7),  
5 subsection three (3), paragraph d, unnumbered paragraph  
6 six (6), Code 1979, is amended to read as follows:

7 Provided, however, that notwithstanding any other  
8 provisions of this chapter, the applicable contribution  
9 rate table for the calendar years 1978 and 1979 will  
10 be table two if the ratio of the current reserve fund  
11 ratio to the highest benefit cost rate on the rate  
12 computation date is less than 0.75. However,  
13 notwithstanding any other provision of this chapter,  
14 the applicable contribution rate table for the calendar  
15 years 1980 and 1981 shall be table three unless the  
16 ratio of the current reserve fund ratio to the highest  
17 benefit cost rate on the rate computation date is  
18 1.0 or higher. Provided further that during any rate  
19 year in which a rate table in rate tables four through  
20 nine is effective an employer assigned a contribution  
21 rate under the provisions of this paragraph shall  
22 not be required to contribute to the unemployment  
23 compensation trust fund if the employer's percentage  
24 of excess is seven point five percent or greater for  
25 the rate year and the employer has not been charged  
26 with benefit payments for any time within the forty  
27 calendar quarters immediately preceding the rate  
28 computation date for the rate year."

BY ALVIN V. MILLER  
C. W. HUTCHINS  
JOE BROWN  
TOM SLATER  
BASS VAN GILST  
CLARENCE CARNEY  
ARNE WALDSTEIN

CHARLES P. MILLER  
JOHN SCOTT  
LOWELL JUNKINS  
C. JOSEPH COLEMAN  
BERL E. PRIEBE  
DALE L. TIEDEN  
NORMAN RODGERS

S.3217 FILED *Adopted 2/14 (p. 783)*  
MARCH 13, 1979

SENATE FILE 373

S-3219

1 Amend Senate File 373 as follows:

2 1. Page 20, by striking lines 17 through 19 and  
3 inserting in lieu thereof the words "~~fined-not-less~~  
4 ~~than-twenty-dollars-per-more-than-two-hundred-dollars,~~  
5 ~~or-imprisoned-for-not-longer-than-ninety-days-or~~  
6 ~~both guilty of a serious misdemeanor.~~"

S-3219 FILED *Adopted 2/14 (p. 784)* BY EARL M. WILLITS  
MARCH 13, 1979

SENATE FILE 373

S-3213

- 1 Amend Senate File 373 as follows:
- 2 1. Page 5, line 33, by striking the word "nine"
- 3 and inserting in lieu thereof the word "ten".
- 4 2. Page 6, line 10, by striking the word "twelve"
- 5 and inserting in lieu thereof the word "ten".
- 6 3. Page 6, by striking lines 30 through 33 and
- 7 inserting in lieu thereof the words "prior to the date
- 8 of discharge, from all employers."
- 9 4. Page 7, line 29, by striking the word "nine"
- 10 and inserting in lieu thereof the word "ten".

S-3213 FILED *Adopted 3/14 (p. 782)*  
MARCH 13, 1979

BY CALVIN O. HULTMAN

SENATE FILE 373

S-3214

- 1 Amend Senate File 373 as follows:
- 2 1. Page 3, by striking line 23 through
- 3 page 4, line 10.

S-3214 FILED *Out of order 3/14 (p. 782)* BY WILLIAM D. PALMER  
MARCH 13, 1979

SENATE FILE 373

S-3215

- 1 Amend Senate File 373 as follows:
- 2 1. Page 1, by striking lines 1 through 12.

S-3215 FILED *Adopted 3/14 (p. 785)* BY WILLIAM D. PALMER  
MARCH 13, 1979

*Motion to Amend was w/d (p. 786)*

SENATE CLIP SHEET

MARCH 15, 1979

SENATE FILE 373

S-3223

1 Amend Senate File 373 as follows:

2 1. Page 1, line 19, by striking the words "~~one-~~  
3 ~~twentieth one twenty-second~~" and inserting in lieu  
DIV 4 thereof the word "one-twentieth".

A 5 2. Page 1, line 25, by striking the word "fifty-  
6 eight" and inserting in lieu thereof the word "sixty-  
7 two".

8 3. Page 1, line 29, by striking the word "fifty-  
9 eight" and inserting in lieu thereof the word "sixty-  
10 two".

11 4. Page 1, line 33, by striking the word "fifty-  
12 eight" and inserting in lieu thereof the word "sixty-  
13 two".

14 5. Page 2, line 14, by striking the word "one-  
15 third" and inserting in lieu thereof the words "forty  
DIV 16 percent".

C 17 6. Page 2, by striking lines 21 through 25 and  
18 inserting in lieu thereof the words "credits are based  
19 were paid. However if the state and national "off  
20 indicators" are in effect and if the individual is  
21 laid off due to the individual's employer going out  
22 of business at the factory, establishment, or other  
23 premises at which the individual was last employed,  
24 the maximum benefits payable shall be extended to  
25 thirty-nine times his-er-her the individual's weekly  
26 benefit amount, but not to exceed the total of the  
27 wage credits accrued to his-er-her the individual's  
28 account."

29 7. By striking page 3, line 25 through page 4,  
30 line 10 and inserting in lieu thereof the following:

31 "4. ~~He-er-she~~ The individual has been paid wages  
32 for insured work of not less than ~~four~~ six hundred  
33 dollars in that calendar quarter in ~~his-er-her~~ the  
34 individual's base period in which ~~his-er-her~~ the  
DIV 35 individual's wages were the highest, and ~~also-he-er~~  
D 36 ~~she~~ the individual has been paid wages for insured  
37 work of not less than ~~two~~ three hundred dollars in  
38 a calendar quarter in ~~his-er-her~~ the individual's  
39 base period other than the calendar quarter in which  
40 ~~his-er-her~~ the individual's wages were the highest,  
41 ~~and-provided-further-if-he-er-she.~~

42 If the individual has drawn benefits in any benefit  
43 year, ~~he-er-she~~ the individual must during or  
44 subsequent to that year, work in and be paid wages  
45 in for insured work totaling two three hundred dollars  
46 as a condition to receive benefits in the next benefit  
47 year."

E 48 8. By striking page 4, line 30 through page 5,  
49 line 7.

50 9. Page 5, by inserting after line 7 the following:

S-3223

Page 2

1 "Sec. \_\_\_\_ . Section ninety-six point five (96.5),  
2 subsection one (1), paragraph a, Code 1979, is amended  
3 by striking the paragraph and inserting in lieu thereof  
4 the following:

5 a. The individual left employment in good faith  
6 for the sole purpose of accepting other employment,  
7 which the individual did accept and the employment  
8 is terminated by the employer after one week or the  
9 individual is laid off after one week, provided the  
10 individual is otherwise eligible under this chapter.  
11 An employer's account shall not be charged with  
12 benefits paid under this paragraph to an individual  
13 who has left the employment of the employer in good  
14 faith for the sole purpose of accepting other  
15 employment, except as provided in section ninety-six  
16 point eight (96.8), subsection five (5) of the Code.

17 10. Page 6, by striking lines 7 through 25 and  
18 inserting in lieu thereof the following:

19 "a. ~~He-or-she~~ The individual shall forfeit one  
20 to nine ~~twelve~~ weeks benefits. An employer's account  
21 shall not be charged with benefits paid under this  
22 paragraph to an individual who has been discharged  
23 by the employer for misconduct, except as provided  
24 in section ninety-six point eight (96.8), subsection  
25 five (5) of the Code.

26 11. Page 7, by striking lines 17 through 26 and  
27 inserting in lieu thereof the words "to ~~his-er-his~~  
28 customary self-employment, if any. To requalify for".

29 12. Page 7, by striking line 35 and inserting  
30 in lieu thereof the words "prior training, ~~his-er~~  
31 her experience and prior earnings,".

32 13. Page 8, by striking lines 6 through 23 and  
33 inserting in lieu thereof the words "purposes of this  
34 subsection paragraph."

35 14. Page 9, lines 7 and 8, by striking the words  
36 ", separation allowance, severance pay or dismissal  
37 pay".

38 15. Page 12, by striking lines 17 through 31 and  
39 inserting in lieu thereof the words "~~-but-should-be~~  
40 charged-to-the-account-of-the-next-succeeding-employer  
41 with-when-the-individual-requalified-for-benefits  
42 as-determined-under-section-96-57-subsection-17  
43 paragraph-"g" attributable to the employer."

44 16. Page 24, by inserting after line 5 the  
45 following:

46 "Sec.     . Section ninety-six point nineteen  
47 (96.19), subsection twenty (20), Code 1979, is amended  
48 by adding the following new unnumbered paragraph:  
49 NEW UNNUMBERED PARAGRAPH. Taxable wages shall  
50 not include a separation allowance, severance pay

S-3223

Page 3

1 or dismissal pay."

S. 3223 FILED

MARCH 14, 1979

DIVISION A - ADOPTED AS AMENDED *by 3223 (779)*

DIVISION C - ADOPTED AS AMENDED *by 3223 (779)*

DIVISION D - ADOPTED *(p 779)*

DIVISION E - ADOPTED *(p 779)*

DIVISION F - WITHDRAWN *(p 780)*

DIVISION G - LOST AS AMENDED *by 3223 (779)*

DIVISION H - ADOPTED *(p 780)*

DIVISION I - ADOPTED *(p 780)*

DIVISION J - ADOPTED AS AMENDED *by 3223 (779)*

DIVISION K - ADOPTED *(p 780)*

BY RICHARD F. DRAKE

DAVID READINGER

ROBERT CARR

CLOYD ROBINSON

RICHARD COMITO

S-3227

1 Amend amendment S-3223 to Senate File 373 as  
2 follows:

- 3 1. Page 2, after line 25 by inserting the following:  
4 "For the period from January 1, 1978 to the effective  
5 date of this Act, an employer's account shall not be  
6 reimbursed for benefit charges against the account,  
7 but the employer's contribution rate shall be recomputed  
8 as if the account had not been charged upon the request  
9 of the employer."
- 10 2. Page 2 after line 43 by inserting the following:  
11 "For the period from January 1, 1978 to the effective  
12 date of this Act, an employer's account shall not be  
13 reimbursed for benefit charges against the account,  
14 but the employer's contribution rate shall be recomputed  
15 as if the account had not been charged upon the request  
16 of the employer."

S-3227 FILED & ADOPTED (p. 751)  
MARCH 14, 1979

BY C. W. HUTCHINS  
JOHN SCOTT

SENATE FILE 373

S-3224

- 1 Amend Senate File 373 as follows:  
2 1. Page 3, after line 2 by inserting the following:  
3 The account of the employer shall be recomputed to  
4 reflect the recovered overpayment.

S-3224 FILED & WITHDRAWN (p. 751) BY C. W. HUTCHINS  
MARCH 14, 1979

SENATE FILE 373

S-3230

- 1 Amend the Senate amendment, S-3223, to Senate  
2 File 373 as follows:  
3 1. Page 1, by striking lines 14 through 16 and  
4 inserting in lieu thereof the following:  
5 "5. Page 2, line 16, by inserting after the word  
6 "period." the words "However, the director shall  
7 recompute wage credits for an individual who is  
8 laid off due to the individual's employer going out  
9 of business at the factory, establishment, or other  
10 premises at which the individual was last employed,  
11 by crediting the individual's account with one-half,  
12 instead of one-third, of the wages for insured work  
13 paid to the individual during the individual's base  
14 period."

S-3230 FILED & ADOPTED (p. 777)  
MARCH 14, 1979

BY CALVIN O. HULTMAN

SENATE FILE 373

S-3226

1 Amend the Senate amendment, S-3223, to Senate File  
2 373 as follows:

3 1. Page 1, by striking lines 2 through 13 and  
4 inserting in lieu thereof the following:

5 "1. By striking page 1, line 16 through page 2,  
6 line 2 and inserting in lieu thereof the following:

7 "With respect to benefit years beginning on or  
8 after July 1, ~~1975~~ 1979, an eligible individual's  
9 weekly benefit amount for a week of total unemployment  
10 shall be an amount equal to ~~one-twentieth-of-his-or~~  
11 ~~her~~ the following fractions of the individual's total  
12 wages in insured work paid during that quarter of  
13 his-or-her the individual's base period in which such  
14 total wages were highest, subject to the following  
15 limitation:--The ; the director shall determine annually  
16 a maximum weekly benefit amount by computing sixty-  
17 six-and-two-thirds-percent equal to the following  
18 percentages, to vary with the number of dependents,  
19 of the statewide average weekly wage paid to employees  
20 in insured work which shall be effective the first  
21 day of the first full week in July:--

22 If the number of	23 The weekly benefit	24 Subject to the
25 dependents is:	26 amount shall equal	27 following maxi-
	28 the following frac-	29 mum percentage of
	30 tion of high quar-	31 the statewide
	32 ter wages:	33 average weekly wage:
34 0	35 1/23	36 58%
37 1	38 1/22	39 60%
40 2	41 1/21	42 62%
43 3	44 1/20	45 65%
46 4 or more	47 1/19	48 70%

49 Such The maximum weekly benefit amount, if not a  
50 multiple of one dollar shall be rounded to the higher  
51 multiple of one dollar. As used in this section  
52 "dependent" means dependent as defined in section  
53 four hundred twenty-two point twelve (422.12),  
54 subsection one (1), paragraph c of the Code, as if  
55 the individual claimant was a taxpayer, except that  
56 an individual claimant's nonworking spouse shall be  
57 deemed to be a dependent under this section.  
58 "Nonworking spouse" means a spouse who does not earn  
59 more than one hundred twenty dollars in gross wages  
60 in one week."

S-3226 FILED & ADOPTED (p. 474)  
MARCH 14, 1979

BY LUCAS J. DeKOSTER  
WILLARD R. HANSEN  
RICHARD COMITO  
CALVIN O. HULTMAN

SENATE FILE 373

S-3236

- 1 Amend the Jensen Amendment S-3231 to Senate File  
2 373 as follows:  
3 1. Page 1, line 3, by inserting after the word  
4 "individual" the words ", engaged in employment by a  
5 school district,".  
6 2. Page 1, line 16, by inserting after the word  
7 "unemployment." the words "The above provisions shall  
8 not be operative if they conflict with provisions of  
9 a collective bargaining agreement in effect for that  
10 school district."

S-3236 FILED & ADOPTED (p. 185)  
MARCH 14, 1979

BY JOHN W. JENSEN

SENATE FILE 373

S-3234

- 1 Amend Senate amendment, S-3223, to Senate File  
2 373 as follows:  
3 1. Page 2, by striking lines 32 through 34 and  
4 inserting in lieu thereof the following:  
5 "13. Page 8, by striking lines 15 through 23  
6 and inserting in lieu thereof the following:  
7 "(2) Seventy-five percent, if the work is offered  
8 after the fifth week of unemployment."

S-3234 FILED & ADOPTED (p. 182)  
MARCH 14, 1979

BY CALVIN O. HULTMAN  
CLOYD E. ROBINSON

SENATE FILE 373

S-3231

1 Amend Senate File 373 as follows: |  
2 1. Page 9, by inserting after line 1 the following:  
3 "c. An individual shall accept an offer of suitable  
4 work from the individual's current employer for a  
5 contemplated period of future unemployment of the  
6 individual from the individual's regular employment.  
7 Failure of the individual to accept the offer of the  
8 future suitable work shall be considered a failure  
9 to accept work even though the individual is currently  
10 employed and has not filed a claim for benefits.  
11 The requalification requirement, after refusal to  
12 accept the offer of the future suitable work, shall  
13 not be satisfied by wages earned from the current  
14 employer subsequent to the refusal and prior to the  
15 contemplated or effective period of future  
16 unemployment."

S-3231 FILED & WITHDRAWN (p. 756) BY JOHN W. JENSEN  
MARCH 14, 1979

SENATE FILE 373

S-3235

1 Amend the Palmer amendment S-3180 to Senate  
2 File 373 as follows:  
3 1. Page 1, lines 10, 11 and 12 by striking  
4 the words "not failed to apply for available,  
5 suitable work or to accept" and inserting in  
6 lieu thereof the words "applied for available,  
7 suitable work or not refused".  
8 2. Page 1, line 14 by inserting after the  
9 word "benefits" the words "when otherwise qualified  
10 under this chapter."

S-3235 FILED & ADOPTED (p. 784) BY WILLIAM D. PALMER  
MARCH 14, 1979

SENATE FILE 373

S-3233

1 Amend Senate amendment, S-3223, to Senate File 373  
2 as follows:  
3 1. Page 2, by striking lines 32 through 34 and  
4 inserting in lieu thereof the following:  
5 "13. Page 8, by striking lines 17 through 23."

S-3233 FILED & WITHDRAWN (p. 788) BY CALVIN O. HULTMAN  
MARCH 14, 1979 CLOYD E. ROBINSON

S-3221

1 Amend Senate File 373 as follows:

2 1. Page 24, by inserting after line 17 the  
3 following:

4 "There is also a state "on" indicator, for a county,  
5 for a week if the rate of insured unemployment under  
6 state law in the county, for the period consisting  
7 of such week and the immediately preceding twelve  
8 weeks, equaled or exceeded five percent. An  
9 individual's residence in a county in which the rate  
10 of insured unemployment equals or exceeds five percent  
11 shall be used by the department to determine  
12 eligibility for the county-triggered extended benefits.  
13 The five percent county trigger shall be effective  
14 only if the state "on" indicator for a county conforms  
15 to federal requirements."

16 2. Page 24, by inserting after line 33 the  
17 following:

18 "There is also a state "off" indicator, for a  
19 county, for a week if the rate of insured unemployment  
20 under state law in the county, for the period  
21 consisting of such week and the immediately preceding  
22 twelve weeks, was less than five percent. An  
23 individual's residence in a county in which the rate  
24 of insured unemployment was less than five percent  
25 shall be used by the department to determine  
26 eligibility for the county-triggered extended benefits.  
27 The five percent county trigger shall be effective  
28 only if the state "off" indicator for a county conforms  
29 to federal requirements."

House Rules 3/2/6

SENATE FILE 373

Do Pass for H 3713 1/4 (p. 1343)

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1979)

Passed Senate, Date 4-26-79 (p. 1433) Passed House, Date 4-12-79 (p. 1551)

Vote: Ayes 35 Nays 15 Vote: Ayes 64 Nays 24

Approved June 5 1979  
Repassed House 5-9-79 (p. 2211)  
65-34

## A BILL FOR

1 An Act relating to unemployment compensation by limiting  
 2 benefits through requiring a one-week waiting period  
 3 for eligibility for benefits, by reducing benefits from  
 4 thirty-nine to twenty-six weeks and from sixty-six and  
 5 two-thirds to fifty-eight percent of the average weekly  
 6 wage and through recomputation of individual weekly  
 7 benefit amounts and wage credits, and partial benefits,  
 8 by providing for the recovery of overpayments, back pay,  
 9 certain benefits, and funds due from government entities,  
 10 by denying benefits during paid sabbatical leave, by  
 11 offsetting benefits with severance pay, governmental  
 12 retirement pay and back pay, by modifying the attachment  
 13 and reattachment to-the-work-force requirements and  
 14 certain disqualification and requalification requirements  
 15 for voluntary quits, misconduct, and failure to accept  
 16 suitable work, by establishing procedures for employer  
 17 liability determinations and rates of contribution for  
 18 government contributing employers, by recomputing certain  
 19 charges against employer accounts and rates of contribution  
 20 when employer reports are delinquent, by extending the  
 21 appeal period for protesting employers and the period for  
 22 transmission of the job service record to a reviewing  
 23 court, by clarifying the confidentiality of job service  
 24 information and the job service subpoena and garnishment  
 25 powers, by allowing certain vacation pay to offset benefits,

1 by making technical corrections to chapter ninety-  
2 six (96) of the Code, and by making certain penalties  
3 consistent with the criminal code.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language  
by the Senate

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\* = Language Stricken  
by the Senate

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1 Section 1. Section ninety-six point three (96.3),  
 2 subsection four (4), unnumbered paragraph one (1), Code 1979,  
 3 is amended to read as follows:

4 With respect to benefit years beginning on or after July  
 5 1, 1975 1979, an eligible individual's weekly benefit amount  
 6 for a week of total unemployment shall be an amount equal  
 7 to ~~one-twentieth-of-his-or-her~~ the following fractions of  
 8 the individual's total wages in insured work paid during that  
 9 quarter of ~~his-or-her~~ the individual's base period in which  
 10 such total wages were highest,--subject-to-the-following  
 11 limitation--The; the director shall determine annually a  
 12 maximum weekly benefit amount by ~~computing sixty-six-and-two-~~  
 13 ~~thirds-percent~~ equal to the following percentages, to vary  
 14 with the number of dependents, of the statewide average weekly  
 15 wage paid to employees in insured work which shall be effective  
 16 the first day of the first full week in July+:

17	If the number of		The weekly benefit	Subject to the
18	dependents is:		amount shall equal	following maxi-
19			the following frac-	mum percentage of
20			tion of high quar-	the statewide
21			ter wages:	average weekly wage:
22	0		1/23	58%
23	1		1/22	60%
24	2		1/21	62%
25	3		1/20	65%
26	4 or more		1/19	70%

27 Such The maximum weekly benefit amount, if not a multiple  
 28 of one dollar shall be rounded to the higher multiple of one  
 29 dollar. As used in this section "dependent" means dependent  
 30 as defined in section four hundred twenty-two point twelve  
 31 (422.12), subsection one (1), paragraph c of the Code, as  
 32 if the individual claimant was a taxpayer, except that an  
 33 individual claimant's nonworking spouse shall be deemed to  
 34 be a dependent under this section. "Nonworking spouse" means  
 35 a spouse who does not earn more than one hundred twenty dollars

1 in gross wages in one week.

2 Sec. 2. Section ninety-six point three (96.3), subsec-  
3 tion five (5), Code 1979, is amended to read as follows:

4 5. DURATION OF BENEFITS. The maximum total amount of  
5 benefits payable to any eligible individual during any benefit  
6 year shall not exceed the total of the wage credits accrued  
7 to ~~his-or-her~~ the individual's account during ~~his-or-her~~ the  
8 individual's base period, or twenty-six times ~~his-or-her~~ the  
9 individual's weekly benefit amount, whichever is the lesser.

10 The director shall maintain a separate account for each  
11 individual who earns wages in insured work. The director  
12 shall compute wage credits for each individual by crediting  
13 ~~his-or-her~~ the individual's account with ~~one-half~~ one-third  
14 of the wages for insured work paid ~~him-or-her~~ to the individual  
15 during ~~his-or-her~~ the individual's base period. However, the  
16 director shall recompute wage credits for an individual who  
17 is laid off due to the individual's employer going out of  
18 business at the factory, establishment, or other premises  
19 at which the individual was last employed, by crediting the  
20 individual's account with one-half, instead of one-third, of  
21 the wages for insured work paid to the individual during the  
22 individual's base period. Benefits paid to an eligible  
23 individual shall be charged against the base period wage  
24 credits in ~~his-or-her~~ the individual's account which have  
25 not been previously charged hereunder, in the inverse  
26 chronological order as the wages on which such wage credits  
27 are based were paid. However if the state and national "off  
28 indicators" are in effect and if the individual is laid off  
29 due to the individual's employer going out of business at  
30 the factory, establishment, or other premises at which the  
31 individual was last employed, the maximum benefits payable  
32 shall be extended to thirty-nine times ~~his-or-her~~ the  
33 individual's weekly benefit amount, but not to exceed the  
34 total of the wage credits accrued to ~~his-or-her~~ the  
35 individual's account.

1 Sec. 3. Section ninety-six point three (96.3), subsection  
2 five (5), Code 1979, is amended by adding the following new  
3 paragraph:

4 NEW PARAGRAPH. The individual who was involved in a labor  
5 dispute, that resulted in an election decertifying the official  
6 bargaining representative of the individual, and the individual  
7 has applied for available, suitable work or not refused  
8 suitable work at the individual's last place of employment,  
9 when so directed by the department, shall not be disqualified  
10 from benefits when otherwise qualified under this chapter.

11 Sec. 4. Section ninety-six point three (96.3), subsection  
12 seven (7), Code 1979, is amended by striking the subsection  
13 and inserting in lieu thereof the following:

14 7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an individual  
15 receives benefits for which the individual is subsequently  
16 determined to be ineligible, even though the individual acts  
17 in good faith and is not otherwise at fault, the benefits  
18 shall be recovered. The department in its discretion may  
19 recover the overpayment of benefits either by having a sum  
20 equal to the overpayment deducted from any future benefits  
21 payable to the individual or by having the individual pay  
22 to the department a sum equal to the overpayment.

23 Sec. 5. Section ninety-six point three (96.3), Code 1979,  
24 is amended by adding the following new subsection:

25 NEW SUBSECTION. BACK PAY. If an individual receives  
26 benefits for a period of unemployment and subsequently receives  
27 a payment for the same period from the individual's employer  
28 in the form of or in lieu of back pay, the benefits shall  
29 be recovered. The department, in its discretion, may reach  
30 an agreement with the individual and the employer to allow  
31 the employer to deduct the amount of the benefits from the  
32 back pay and remit a sum equal to that amount to the  
33 unemployment compensation fund and the balance to the  
34 individual, or may recover the amount of the benefits either  
35 by having a sum equal to that amount deducted from any future

1 benefits payable to the individual or by having the individual  
 2 pay to the department a sum equal to that amount. If an  
 3 agreement is reached to allow the employer to deduct the  
 4 amount of benefits from the back pay and remit that amount  
 5 to the fund, the department shall not charge that amount to  
 6 the employer's account under section ninety-six point seven  
 7 (96.7) of the Code.

8 Sec. 6. Section ninety-six point four (96.4), subsection  
 9 four (4), Code 1979, is amended to read as follows:

10 4. ~~He-er-she~~ The individual has been paid wages for insured  
 11 work of not less than ~~four~~ six hundred dollars in that calendar  
 12 quarter in ~~his-er-hes~~ the individual's base period in which  
 13 ~~his-er-hes~~ the individual's wages were the highest, and also  
 14 ~~he-er-she~~ the individual has been paid wages for insured work  
 15 of not less than ~~two~~ three hundred dollars in a calendar  
 16 quarter in ~~his-er-hes~~ the individual's base period other than  
 17 the calendar quarter in which ~~his-er-hes~~ the individual's  
 18 wages were the highest, ~~and provided further if he-er-she.~~

19 If the individual has drawn benefits in any benefit year,  
 20 he-er-she the individual must during or subsequent to that  
 21 year, work in and be paid wages ~~in~~ for insured work totaling  
 22 ~~two~~ three hundred dollars as a condition to receive benefits  
 23 in the next benefit year.

24 Sec. 7. Section ninety-six point four (96.4), subsection  
 25 five (5), paragraph b, Code 1979, is amended to read as  
 26 follows:

27 b. Benefits based on service in employment, defined in  
 28 section 96.19, subsection 6, and based on service after  
 29 December 31, 1977 in an instructional, research, or principal  
 30 administrative capacity for an educational institution operated  
 31 by a government entity or a nonprofit organization, shall  
 32 not be paid to an individual for any week of unemployment  
 33 which begins during the period between two successive academic  
 34 years or terms, (or, when an agreement provides instead for  
 35 a similar period between two regular but not successive terms,

1 during such period) to any individual if such individual  
2 performs such services in the first of such academic years  
3 or terms and if there is a contract or reasonable assurance  
4 that such individual will perform services in any such capacity  
5 for any educational institution the second of such academic  
6 years or terms, or during a period of paid sabbatical leave,  
7 provided for in the individual's contract, and

\* 8 Sec. 8. Section ninety-six point five (96.5), subsec-  
9 tion one (1), paragraph d, Code 1979, is amended to read as  
10 follows:

11 d. ~~He-er-she~~ The individual left ~~his-er-hes~~ employment  
12 because of illness, injury or pregnancy upon the advice of  
13 a licensed and practicing physician, and upon knowledge of  
14 the necessity for ~~such~~ absence immediately notified ~~his-er~~  
15 ~~her~~ the employer, or ~~his-er-hes~~ the employer consented to  
16 ~~such~~ the absence, and after recovering from ~~such~~ the illness,  
17 injury or pregnancy, when recovery ~~is~~ was certified by a  
18 licensed and practicing physician, ~~he-er-she~~ the individual  
19 returned to ~~his-er-hes~~ the employer and offered ~~his-er-hes~~  
20 service to perform services and ~~his-er-hes~~ the individual's  
21 regular work or comparable suitable work was not available,  
22 if so found by the ~~commission~~ department, provided ~~he-er-she~~  
23 the individual is otherwise eligible.

24 Sec. 9. Section ninety-six point five (96.5), subsection  
25 one (1), paragraph g, Code 1979, is amended to read as follows:

26 g. ~~In-the-case-where-he-er-she~~ The individual left ~~his~~  
27 ~~er-hes~~ work voluntarily without good cause attributable to  
28 ~~his-er-hes~~ the employer under circumstances which did or would  
29 disqualify ~~him-er-hes~~ the individual for benefits, except  
30 as provided in ~~subsectien-1,~~ paragraph "a", ~~-under~~ of this  
31 subsection ~~he-er-she~~, but subsequent to ~~such~~ the leaving,  
32 the individual worked in and was paid wages for insured work  
33 for-not-less-than-six-consecutive-weeks equal to ten times  
34 the individual's weekly benefit amount, provided ~~he-er-she~~  
35 the individual is otherwise eligible.

1 Sec. 10. Section ninety-six point five (96.5), subsection  
2 two (2), Code 1979, is amended to read as follows:

3 2. DISCHARGE FOR MISCONDUCT. If the department finds  
4 that ~~he-or-she~~ the individual has been discharged for  
5 misconduct in connection with ~~his-or-her~~ the individual's  
6 employment:

7 a. ~~He-or-she-shall- forfeit-one-to-nine-weeks-benefits~~  
8 The individual shall be disqualified for benefits until the  
9 individual has worked in and has been paid wages for insured  
10 work equal to ten times the individual's weekly benefit amount,  
11 provided the individual is otherwise eligible. Wages earned  
12 with the employer from whom the individual has been discharged  
13 for misconduct in connection with employment shall, for the  
14 purpose of computing and charging benefits, be deemed wages  
15 earned from the employer with whom the individual accepted  
16 subsequent employment and benefits shall be charged to the  
17 employer with whom the individual accepted subsequent  
18 employment. The department shall advise the chargeable  
19 employer of the name and address of the former employer, the  
20 period covered, and the extent of benefits which may be charged  
21 to the account of the chargeable employer. If the new  
22 employment is in another state, the employer's account shall  
23 not be charged with benefits so paid unless required by law  
24 or unless required by the employer's election to reimburse  
25 the fund for benefits so paid.

26 b. Provided further, if gross misconduct is established,  
27 ~~he-or-she-shall- forfeit-from-ten-weeks-benefits-to-the-maximum~~  
28 ~~amount-payable-in-his-or-her-current-benefit-period~~ the  
29 department shall cancel the individual's wage credits earned,  
30 prior to the date of discharge, from all employers.

31 c. Gross misconduct is deemed to have occurred after a  
32 claimant loses employment as a result of an act constituting  
33 an indictable offense in connection with his or her employment,  
34 provided the claimant is duly convicted thereof or has signed  
35 a statement admitting that he or she has committed such an

1 act. Determinations regarding a benefit claim may be  
2 redetermined within five years from the effective date of  
3 the claim. Any benefits paid to a claimant prior to a  
4 determination that the claimant has lost employment as a  
5 result of such act shall not be considered to have been  
6 accepted by the claimant in good faith.

7 Sec. 11. Section ninety-six point five (96.5), subsection  
8 three (3), Code 1979, is amended to read as follows:

9 3. FAILURE TO ACCEPT WORK. If the department finds that  
10 ~~he-er-she~~ an individual has failed, without good cause, either  
11 to apply for available, suitable work when ~~so~~ directed by  
12 the employment office or the ~~emmission~~ department or to  
13 accept suitable work when offered ~~him-er-her~~, or to return  
14 to ~~his-er-her~~ customary self-employment, if any. To requalify  
15 for benefits after disqualification under this subsection,  
16 the individual shall work in and be paid wages for insured  
17 work equal to ten times the individual's weekly benefit amount,  
18 provided the individual is otherwise eligible.

19 a. In determining whether or not any work is suitable  
20 for an individual, the department shall consider the degree  
21 of risk involved to ~~his-er-her~~ the individual's health, safety,  
22 and morals, ~~his-er-her~~ the individual's physical fitness and,  
23 prior training, his-er-her experience and prior earnings,  
24 his-er-her length of unemployment, and prospects for securing  
25 local work in ~~his-er-her~~ the individual's customary occupa-  
26 tion, and the distance of the available work from ~~his-er-her~~  
27 the individual's residence, and any other factor which ~~it~~  
28 the department finds bears a reasonable relation to the  
29 purposes of this ~~subsectien~~ paragraph. Work is suitable if  
30 the work meets all the other criteria of this paragraph and  
31 if the gross weekly wages for the work equal or exceed the  
32 following percentages of one-thirteenth of the wages in insured  
33 work paid to the individual during that quarter of the  
34 individual's base period in which the individual's total wages  
35 were highest:

1     (1) One hundred percent, if the work is offered during  
2 the first five weeks of unemployment.

3     (2) Seventy-five percent, if the work is offered after  
4 the fifth week of unemployment.

5     b. Notwithstanding any other provision of this chapter,  
6 no work shall be deemed suitable and benefits shall not be  
7 denied under this chapter to any otherwise eligible individual  
8 for refusing to accept new work under any of the following  
9 conditions:

10    (1) If the position offered is vacant due directly to  
11 a strike, lockout, or other labor dispute;

12    (2) If the wages, hours, or other conditions of the work  
13 offered are substantially less favorable to the individual  
14 than those prevailing for similar work in the locality;

15    (3) If as a condition of being employed, the individual  
16 would be required to join a company union or to resign from  
17 or refrain from joining any bona fide labor organization.

18    Sec. 12. Section ninety-six point five (96.5), subsection  
19 five (5), Code 1979, is amended to read as follows:

20    5. OTHER COMPENSATION. For any week with respect to which  
21 ~~he-ex-she~~ the individual is receiving or has received payment  
22 in the form of:

23    a. Wages in lieu of notice;

24    b. Compensation for temporary disability under the workers'  
25 compensation law of any state or under a similar law of the  
26 United States;

27    c. Old-age benefits under title II of the Social Security  
28 Act (42 USC, chapter 7), as amended, or similar retirement  
29 payments under any Act of Congress; ~~however-only-fifty-percent~~  
30 ~~of-the-old-age-benefits-under-title-II-of-the-Social-Security~~  
31 ~~Act-shall-be-deducted-from-his-or-her-weekly-benefits;~~

32    d. ~~Benefits-paid-as-retirement-pay-or-as-private-pension~~  
33 A governmental or other pension, retirement or retired pay,  
34 annuity, or any other similar periodic payment which is based  
35 on the previous work of the individual.

1 Provided, that if such remuneration is less than the  
2 benefits which would otherwise be due under this chapter,  
3 ~~he-or-she~~ the individual shall be entitled to receive for  
4 such week, if otherwise eligible, benefits reduced by the  
5 amount of such remuneration. Provided further, if benefits  
6 were paid for any week under this chapter for a period when  
7 benefits, remuneration or compensation under paragraphs "a",  
8 "b", "c", or "d", of this subsection were paid on a retroactive  
9 basis for the same period, or any part thereof, the department  
10 shall recover any such excess amount of benefits paid by the  
11 department for such period, and no employer's account shall  
12 be charged with benefits so paid, provided further, however,  
13 that ~~retirement-pay-or~~ compensation for service-connected  
14 disabilities or ~~pensions-and~~ compensation for accrued leave  
15 based on military service, by the beneficiary, with the armed  
16 forces of the United States, irrespective of the amount of  
17 the benefit, shall in no way disqualify any individual,  
18 otherwise qualified, from any of the benefits contemplated  
19 herein.

20 Sec. 13. Section ninety-six point six (96.6), subsection  
21 two (2), Code 1979, is amended to read as follows:

22 2. INITIAL DETERMINATION. A representative designated  
23 by the director shall promptly notify all interested parties  
24 to the claim of the filing thereof, and said parties shall  
25 have ~~seven~~ ten days from the date of mailing the notice of  
26 the filing of said claim by ordinary mail to the last known  
27 address to protest payment of benefits to said claimant.  
28 The representative shall promptly examine the claim and any  
29 protest thereto and, on the basis of the facts found by the  
30 representative, shall determine whether or not such claim  
31 is valid, the week with respect to which benefits shall  
32 commence, the weekly benefit amount payable and the maximum  
33 duration thereof, and whether any disqualification shall be  
34 imposed. Unless the claimant or other interested party, after  
35 notification or within ten calendar days after such

1 notification was mailed to the claimant's last known address,  
2 files an appeal from such decision, such decision shall be  
3 final and benefits shall be paid or denied in accordance  
4 therewith. If a hearing officer affirms a decision of the  
5 representative, or the appeal board affirms a decision of  
6 the hearing officer, allowing benefits, such benefits shall  
7 be paid regardless of any appeal which may thereafter be  
8 taken, but if such decision is finally reversed, no employer's  
9 account shall be charged with benefits so paid.

10 Sec. 14. Section ninety-six point six (96.6), subsec-  
11 tion eight (8), Code 1979, is amended to read as follows:

12 8. JUDICIAL REVIEW. ~~A decision of the appeal board shall~~  
13 ~~become final ten days after the date of notification or mailing~~  
14 ~~thereof. Judicial review of any decision of the appeal board~~  
15 ~~may be sought in accordance with the terms of the Iowa~~  
16 ~~administrative procedure Act.~~ An application for rehearing  
17 shall be filed pursuant to section seventeen A point sixteen  
18 (17A.16) of the Code. A petition for judicial review of a  
19 decision of the department or of the appeal board shall be  
20 filed pursuant to section seventeen A point nineteen (17A.19)  
21 of the Code. The department may be represented in any such  
22 judicial review proceeding by any qualified attorney who is  
23 a regular salaried employee of the department or who has been  
24 designated by the department for that purpose, or at the  
25 department's request, by the attorney general. Notwithstanding  
26 the terms of the Iowa administrative procedure Act, petitions  
27 for judicial review may be filed in the district court of  
28 the county in which the claimant was last employed or resides,  
29 provided that if the claimant does not reside in the state  
30 of Iowa the action shall be brought in the district court  
31 of Polk county, Iowa, and any other party to the proceeding  
32 before the appeal board shall be named in the petition.  
33 Notwithstanding the thirty-day requirement in section seventeen  
34 A point nineteen (17A.19), subsection six (6) of the Code,  
35 the department shall, within sixty days after filing of the

1 petition for judicial review or within a longer period of  
2 time allowed by the court, transmit to the reviewing court  
3 the original or a certified copy of the entire record of a  
4 contested claim. The department may also certify to such  
5 courts, questions of law involved in any decision by it.  
6 Petitions for judicial review and the questions so certified  
7 shall be given precedence over all other civil cases except  
8 cases arising under the workers' compensation law of this  
9 state. No bond shall be required for entering an appeal from  
10 any final order, judgment or decree of the district court  
11 to the supreme court.

12 Sec. 15. Section ninety-six point seven (96.7), subsection  
13 three (3), paragraph a, subparagraph two (2), Code 1979, is  
14 amended to read as follows:

15 (2) The amount of regular benefits plus fifty percent  
16 of the amount of extended benefits, as determined under section  
17 96.29, paid to an eligible individual shall be charged against  
18 the account of the employers in the base period in the inverse  
19 chronological order in which the employment of ~~sueh~~ the  
20 individual occurred. Provided, that in any case in which  
21 ~~a-claimant~~ the individual to whom ~~sueh~~ the benefits are paid  
22 is in the employ of a base period employer at the time he  
23 ~~ex-she~~ the individual is receiving ~~sueh~~ the benefits, and  
24 ~~he-ex-she~~ the individual is receiving the same employment  
25 from ~~sueh~~ the employer that ~~he-ex-she~~ the individual received  
26 during ~~his-ex-her~~ the individual's base period, then ~~no-charge~~  
27 ~~of~~ benefits paid to ~~sueh-claimant~~ the individual shall not  
28 be ~~made~~ charged against the account of ~~sueh~~ the employer.  
29 ~~No~~ An employer's account shall not be charged with benefit  
30 payments made to any individual who ~~quit-sueh-employment~~ has  
31 left the work of the employer voluntarily without good cause  
32 attributable to the employer, but shall be charged to the  
33 account of the next succeeding employer with whom the  
34 individual requalified for benefits as determined under section  
35 96.5, subsection 1, paragraph "g". Provided further, that

1 an employer's account shall not be charged with benefit  
2 payments made to an individual who has been discharged for  
3 misconduct in connection with the individual's employment,  
4 and shall not be charged with benefit payments made to an  
5 individual after the individual has failed without good cause,  
6 either to apply for available, suitable work or to accept  
7 suitable work or to return to customary self-employment, but  
8 shall be charged to the account of the next succeeding employer  
9 with whom the individual requalifies for benefits as determined  
10 respectively under section ninety-six point five (96.5),  
11 subsections two (2) and three (3) of the Code.

12 Sec. 16. Section ninety-six point seven (96.7), subsection  
13 three (3), paragraph a, subparagraph three (3), Code 1979,  
14 is amended to read as follows:

15 (3) The amount of regular benefits so charged in any  
16 calendar quarter against the account of any employer shall  
17 not exceed the amount of such individual's wage credits based  
18 on employment with such employer during such quarter. The  
19 amount of extended benefits so charged in any calendar quarter  
20 against the account of any employer shall not exceed an  
21 additional fifty percent of the amount of such individual's  
22 wage credits based on employment with such employer during  
23 such quarter except that all extended benefits shall be so  
24 charged if a government reimbursable employer pays all extended  
25 benefits under subsection eight (8), paragraph c of this  
26 section.

27 Sec. 17. Section ninety-six point seven (96.7), subsection  
28 three (3), paragraph d, unnumbered paragraph six (6), Code  
29 1979, is amended to read as follows:

30 Provided, however, that notwithstanding any other provisions  
31 of this chapter, the applicable contribution rate table for  
32 the calendar years 1978 and 1979 will be table two if the  
33 ratio of the current reserve fund ratio to the highest benefit  
34 cost rate on the rate computation date is less than 0.75.  
35 However, notwithstanding any other provision of this chapter,

1 the applicable contribution rate table for the calendar years  
2 1980 and 1981 shall be table three unless the ratio of the  
3 current reserve fund ratio to the highest benefit cost rate  
4 on the rate computation date is 1.0 or higher. Provided  
5 further that during any rate year in which a rate table in  
6 rate tables four through nine is effective an employer assigned  
7 a contribution rate under the provisions of this paragraph  
8 shall not be required to contribute to the unemployment  
9 compensation trust fund if the employer's percentage of excess  
10 is seven point five percent or greater for the rate year and  
11 the employer has not been charged with benefit payments for  
12 any time within the forty calendar quarters immediately  
13 preceding the rate computation date for the rate year.

14 Sec. 18. Section ninety-six point seven (96.7), subsection  
15 three (3), Code 1979, is amended by adding the following new  
16 lettered paragraph:

17 NEW LETTERED PARAGRAPH. If an employer has not filed a  
18 contribution or payroll quarterly report, as required under  
19 section ninety-six point eleven (96.11), subsection seven  
20 (7) of the Code, for a calendar quarter which precedes the  
21 computation date and upon which the employer's rate of  
22 contribution is computed, the employer's average annual taxable  
23 payroll shall be computed by adding the taxable wages in the  
24 appropriate quarterly reports on file and dividing that sum  
25 by the number of years and quarters of years for which  
26 quarterly reports are on file.

27 If a delinquent quarterly report is received by November  
28 fifteenth immediately following the computation date the rate  
29 of contribution shall be recomputed by using the taxable wages  
30 in all the appropriate quarterly reports on file to determine  
31 the average annual taxable payroll.

32 If a delinquent quarterly report is received after November  
33 fifteenth following the computation date the rate of  
34 contribution shall not be recomputed, unless the rate is  
35 appealed in writing to the department under paragraph e of

1 this subsection and the delinquent quarterly report received  
2 after November fifteenth is also submitted not later than  
3 thirty days after the department notifies the employer of  
4 the rate under paragraph e of this subsection.

5 Sec. 19. Section ninety-six point seven (96.7), subsection  
6 four (4), Code 1979, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. EMPLOYER LIABILITY DETERMINATION. The  
9 department shall initially determine all questions relating  
10 to the liability of an employing unit or employer, including  
11 the amount of contribution, the rate of contribution, and  
12 successorship. A copy of the initial determination shall  
13 be sent by regular mail to the last address, according to  
14 the records of the department, of each affected employing  
15 unit or employer.

16 The affected employing unit or employer may appeal in  
17 writing to the department from the initial determination.  
18 An appeal shall not be entertained for any reason by the  
19 department unless the appeal is filed with the department  
20 within thirty days from the date on which the initial  
21 determination is mailed. If an appeal is not so filed, the  
22 initial determination shall with the expiration of the appeal  
23 period become final and conclusive in all respects and for  
24 all purposes.

25 A hearing on an appeal shall be conducted according to  
26 the regulations and rules promulgated by the department.  
27 A copy of the decision of the hearing officer shall be sent  
28 by regular mail to the last address, according to the records  
29 of the department, of each affected employing unit or employer.

30 The department's decision on the appeal shall be final  
31 and conclusive as to the liability of the employing unit or  
32 employer unless the employing unit or employer files an appeal  
33 for judicial review within thirty days after the date of  
34 mailing of the decision as provided in subsection six (6)  
35 of this section.

1     Sec. 20. Section ninety-six point seven (96.7), subsec-  
2 tion eight (8), paragraph a, Code 1979, is amended to read  
3 as follows:

4     a. A government entity which is an employer under the  
5 provisions of this chapter shall make benefit payments in  
6 a manner provided for a government reimbursable employer  
7 unless the employer elects to pay unemployment compensation  
8 benefits as a contributing employer. Government entities  
9 may establish a group account as provided in this section.  
10 Any election under this subsection to be a government  
11 contributing employer shall be effective for a minimum of  
12 ~~two~~ one calendar ~~years~~ year and may be changed if an election  
13 is made to be a government reimbursable employer prior to  
14 December ~~1~~ first for a minimum of the ~~two~~ following calendar  
15 ~~years~~ year.

16     Sec. 21. Section ninety-six point seven (96.7), subsection  
17 eight (8), paragraph b, unnumbered paragraph one (1), Code  
18 1979, is amended to read as follows:

19     For the purposes of this subsection "government contributing  
20 employer" means a government entity electing to contribute  
21 for a minimum period of ~~two~~ one calendar ~~years~~ year at a  
22 contribution rate determined by the department in the following  
23 manner:

24     Sec. 22. Section ninety-six point seven (96.7), subsection  
25 eight (8), paragraph b, Code 1979, is amended by adding the  
26 following new subparagraphs:

27     NEW SUBPARAGRAPH. For the calendar year beginning January  
28 1, 1980 the contribution rate shall be computed by the  
29 department immediately preceding the rate computation date  
30 by using the potential benefit charges of all government  
31 contributing employers for calendar year 1978 divided by the  
32 total of all taxable wages of government contributing employers  
33 for calendar year 1978.

34     NEW SUBPARAGRAPH. For the calendar year beginning January  
35 1, 1981 and each subsequent year, each government contributing

1 employer with at least eight consecutive calendar quarters  
 2 immediately preceding the rate computation date throughout  
 3 which the employer's account has been chargeable with benefit  
 4 payments, shall be assigned a contribution rate under the  
 5 provisions of this subparagraph. Contribution rates shall  
 6 be assigned by listing all such government contributing  
 7 employers by decreasing percentages of excess from the highest  
 8 positive percentage of excess to the highest negative  
 9 percentage of excess. The employers so listed shall be grouped  
 10 into seven separate percentage of excess ranks each containing  
 11 as nearly as possible one-seventh of the total taxable wages  
 12 of government entities eligible to be assigned a rate under  
 13 this subparagraph. The department shall annually calculate  
 14 a base rate for each calendar year. The base rate is equal  
 15 to the sum of the benefit payments charged to government  
 16 contributing employers in the preceding calendar year at the  
 17 time of the rate computation plus the difference between the  
 18 total benefits less contributions made by government  
 19 contributing employers since January 1, 1980 which sum is  
 20 divided by the total taxable wages of government contributing  
 21 employers for the preceding year rounded to the next highest  
 22 one-tenth of a percentage point. If total contributions since  
 23 January 1, 1980 exceed total benefit payments for government  
 24 contributing employers, the difference shall be subtracted  
 25 from the benefit payments of the preceding year. If benefits  
 26 since January 1, 1980 exceed total contributions for government  
 27 contributing employers the difference shall be added to the  
 28 benefit payment of the preceding year. Excess contributions  
 29 for the years 1978 and 1979 will be used to offset benefit  
 30 payments in any year where total benefit payments exceed total  
 31 contributions of government contributing employers. The  
 32 contribution rate as a percentage of taxable wages of the  
 33 employer shall be assigned as follows:

34 If the percentage	The contribution	Approximate
35 of excess rank is:	rate shall be:	cumulative

			taxable payroll:
1			
2	1	Base Rate - 0.9	14.3
3	2	Base Rate - 0.6	28.6
4	3	Base Rate - 0.3	42.9
5	4	Base Rate	57.2
6	5	Base Rate + 0.3	71.5
7	6	Base Rate + 0.6	85.8
8	7	Base Rate + 0.9	100.0

9 If a government contributing employer is grouped into two  
 10 separate percentage of excess ranks, the employer shall be  
 11 assigned the lower contribution rate of the two percentage  
 12 of excess ranks. Notwithstanding the provisions of this  
 13 subparagraph, a government contributing employer shall not  
 14 be assigned a contribution rate less than one-tenth of one  
 15 percent of taxable wages unless the employer has a positive  
 16 percentage of excess greater than five percent. For the  
 17 purposes of this subsection percentage of excess has the  
 18 meaning provided in subsection three (3), paragraph d of this  
 19 section.

20 For the calendar year beginning January 1, 1981, government  
 21 entities electing to be government contributing employers  
 22 which are not otherwise eligible to be assigned a contribution  
 23 rate under this subparagraph shall be assigned the base rate  
 24 for the calendar year as a contribution rate for the calendar  
 25 year.

26 Sec. 23. Section ninety-six point eleven (96.11),  
 27 subsection seven (7), Code 1979, is amended to read as follows:

28 7. RECORDS AND REPORTS.

29 a. Each employing unit shall keep true and accurate work  
 30 records, containing such information as the department may  
 31 prescribe. Such records shall be open to inspection and be  
 32 subject to being copied by the department or its authorized  
 33 representatives at any reasonable time and as often as may  
 34 be necessary. The director or a duly authorized representative  
 35 of the department may require from any employing unit any

1 sworn or unsworn reports, with respect to persons employed  
2 by the department, employing unit which the director deems  
3 necessary for the effective administration of this chapter.  
4 ~~Information thus obtained shall not be published or be open~~  
5 ~~to public inspection, other than to public employees in the~~  
6 ~~performance of their public duties or to an agent of the~~  
7 ~~department designated as such in writing for the purpose of~~  
8 ~~accomplishing certain functions of the department, in any~~  
9 ~~manner revealing the employing unit's identity, but any~~  
10 ~~claimant at a hearing before a hearing officer or the appeal~~  
11 ~~board shall be supplied with information from such records~~  
12 ~~to the extent necessary for the proper presentation of the~~  
13 ~~claim.~~

14 b. (1) The department shall hold confidential the infor-  
15 mation obtained from an employing unit or individual in the  
16 course of administering this chapter and the determinations  
17 made as to the benefit rights of an individual. The department  
18 shall not disclose or open this information for public  
19 inspection in a manner that reveals the identity of the  
20 individual or employing unit, except as provided in  
21 subparagraph three (3) of this paragraph and paragraph c of  
22 this subsection.

23 (2) A report or statement, whether written or verbal,  
24 made by a person to the department or to a person administering  
25 this law is a privileged communication. A person is not  
26 liable for slander or libel on account of such a report or  
27 statement.

28 (3) Information obtained from an employing unit or  
29 individual in the course of administering this chapter and  
30 determinations as to benefit rights of an individual shall  
31 not be used in an action or proceeding before any court or  
32 administrative tribunal unless the department is a party to  
33 the action or proceeding. Information in the department's  
34 possession that may affect a claim for benefits or a change  
35 in an employer's rating account shall be made available to

1 the affected parties or their legal representatives. Such  
2 information may be used by the affected parties in a proceeding  
3 under this chapter to the extent necessary for the proper  
4 presentation or defense of a claim.

5 c. Subject to conditions as the department by rule  
6 prescribes, information obtained from an employing unit or  
7 individual in the course of administering this chapter and  
8 determinations as to benefit rights of an individual may be  
9 made available to any of the following:

10 (1) An agency of this or any other state, or a federal  
11 agency responsible for the administration of an unemployment  
12 compensation law or the maintenance of a system of public  
13 employment offices.

14 (2) The bureau of internal revenue of the United States  
15 department of the treasury.

16 (3) The Iowa department of revenue.

17 (4) The social security administration of the United  
18 States department of health, education and welfare.

19 (5) An agency of this or any other state or a federal  
20 agency responsible for the administration of public works  
21 or the administration of public assistance to unemployed  
22 workers.

23 (6) Colleges, universities and public agencies of this  
24 state for use in connection with research of a public nature,  
25 provided the department does not reveal the identity of any  
26 individual or employing unit.

27 Information released by the department shall only be used  
28 for purposes consistent with the purposes of this chapter.

29 d. Upon request of an agency of this or another state  
30 or of the federal government which administers or operates  
31 a program of public assistance under either federal law or  
32 the law of this or another state, or which is charged with  
33 a duty or responsibility under any such program, and if that  
34 agency is required by law to impose safeguards for the  
35 confidentiality of information at least as effective as

1 required under this section, then the department shall provide  
2 to the requesting agency, with respect to any named individual  
3 specified, any of the following information:

4 (1) Whether the individual is receiving, has received,  
5 or has made application for unemployment compensation under  
6 this chapter.

7 (2) The period, if any, for which unemployment compensa-  
8 tion was payable and the weekly rate of compensation paid.

9 (3) The individual's most recent address.

10 (4) Whether the individual has refused an offer of employ-  
11 ment, and, if so, the date of the refusal and a description  
12 of the employment refused, including duties, conditions of  
13 employment, and the rate of pay.

14 e. The department may require an agency that is provided  
15 information under this section to reimburse the department  
16 for the costs of furnishing the information.

17 f. Any employee of the department or member of the appeal  
18 board who violates any provision of this section shall be  
19 fined-not-less-than-twenty-dollars-not-more-than-two-hundred  
20 dollars,-or-imprisoned-for-not-longer-than-ninety-days,-or  
21 both guilty of a serious misdemeanor.

22 g. Information subject to the confidentiality of this  
23 section shall not be made available to any authorized agency  
24 prior to notification in writing to the individual involved,  
25 except in criminal investigations.

26 Sec. 24. Section ninety-six point eleven (96.11),  
27 subsection nine (9), Code 1979, is amended to read as follows:

28 9. SUBPOENAS. In case of contumacy by, or refusal to  
29 obey a subpoena issued to any person, any court of this state  
30 within the jurisdiction of which the inquiry is carried on  
31 or within the jurisdiction of which said person guilty of  
32 contumacy or refusal to obey is found or resides or transacts  
33 business, upon application by the appeal-board department,  
34 or any member or duly authorized representative thereof, shall  
35 have jurisdiction to issue to such person an order requiring

1 such person to appear before the ~~appeal-board~~, there department  
2 or any member or duly authorized representative thereof to  
3 produce evidence if so ordered or ~~there~~ to give testimony  
4 touching the matter under investigation or in question; any  
5 failure to obey such order of the court may be punished by  
6 said court as a contempt thereof.

7 Sec. 25. Section ninety-six point fourteen (96.14),  
8 subsection three (3), Code 1979, is amended by adding the  
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. If an amount due from a  
11 governmental entity of this state remains due and unpaid for  
12 a period of one hundred twenty days after the due date, the  
13 director shall take action as necessary to collect the amount  
14 and shall levy against any funds due the governmental entity  
15 from the state treasurer, director of the department of  
16 revenue, or any other official or agency of this state or  
17 against an account established by the entity in any bank.  
18 The official, agency or bank shall deduct the amount certified  
19 by the director from any accounts or deposits or any funds  
20 due the delinquent governmental entity without regard to any  
21 prior claim and shall promptly forward the amount to the  
22 director for the fund. However, the director shall notify  
23 the delinquent entity of the director's intent to file a levy  
24 by certified mail at least ten days prior to filing the levy  
25 on any funds due the entity from any state official or agency.

26 Sec. 26. Section ninety-six point sixteen (96.16),  
27 subsection one (1), Code 1979, is amended to read as follows:

28 1. PENALTIES. ~~Whoever~~ An individual who makes a false  
29 statement or representation knowing it to be false or knowingly  
30 fails to disclose a material fact, to obtain or increase any  
31 benefit or other payment under this chapter, either for himself  
32 ~~ex-herself~~ the individual or for any other ~~person~~ individual,  
33 ~~shall-be~~ is guilty of a fraudulent practice as defined in  
34 section seven hundred fourteen point eight (714.8) through  
35 seven hundred fourteen point fourteen (714.14) of the Code.

1 ~~Each such false statement or representation or failure to~~  
 2 ~~disclose a material fact shall constitute a separate offense.~~  
 3 The total amount of benefits or payments involved in the  
 4 completion of or in the attempt to complete a fraudulent  
 5 practice shall be used in determining the value involved under  
 6 section seven hundred fourteen point fourteen (714.14) of  
 7 the Code.

8 Sec. 27. Section ninety-six point sixteen (96.16), sub-  
 9 section two (2), Code 1979, is amended to read as follows:

10 2. FALSE STATEMENT. Any employing unit or any officer  
 11 or agent of an employing unit or any other person who makes  
 12 a false statement or representation knowing it to be false,  
 13 or who knowingly fails to disclose a material fact, to prevent  
 14 or reduce the payment of benefits to any individual entitled  
 15 thereto, or to avoid becoming or remaining subject hereto,  
 16 or to avoid or reduce any contribution or other payment  
 17 required from an employing unit under this chapter, or who  
 18 willfully fails or refuses to make any such contributions  
 19 or other payment or to furnish any reports required hereunder  
 20 or to produce or permit the inspection or copying of records  
 21 as required hereunder, ~~shall be~~ is guilty of a fraudulent  
 22 ~~practice, and each such false statement or representation~~  
 23 ~~or failure to disclose a material fact, and each day of such~~  
 24 ~~failure or refusal, shall constitute a separate offense as~~  
 25 defined in sections seven hundred fourteen point eight (714.8)  
 26 through seven hundred fourteen point fourteen (714.14) of  
 27 the Code. The total amount of benefits, contributions or  
 28 payments involved in the completion of or in the attempt to  
 29 complete a fraudulent practice shall be used in determining  
 30 the value involved under section seven hundred fourteen point  
 31 fourteen (714.14) of the Code.

32 Sec. 28. Section ninety-six point sixteen (96.16),  
 33 subsection four (4), Code 1979, is amended to read as follows:

34 4. MISREPRESENTATION. ~~Any person~~ An individual who, by  
 35 reason of the nondisclosure or misrepresentation by ~~him or~~

1 ~~he~~ the individual or by another, of a material fact, has  
2 received any sum as benefits under this chapter while any  
3 conditions for the receipt of benefits imposed by this chapter  
4 were not fulfilled in ~~his-or-her~~ the individual's case, or  
5 while ~~he-or-she~~ the individual was disqualified from receiving  
6 benefits, shall, in the discretion of the department, either  
7 be liable to have ~~such~~ the sum deducted from any future  
8 benefits payable to ~~him-or-her~~ the individual under this  
9 chapter or shall be liable to repay to the department for  
10 the unemployment compensation fund, a sum equal to the amount  
11 so received by ~~him-or-her,--and-such-sum-shall-be-collectible~~  
12 ~~in-the-manner-provided-in-section-96.14,--subsection-3,--for~~  
13 ~~the-collection-of-past-due-contributions~~ the individual.  
14 If the department seeks to recover the amount of the benefits  
15 by having the individual pay to the department a sum equal  
16 to that amount, the department may file a lien with the county  
17 recorder in favor of the state on the individual's property  
18 and rights to property, whether real or personal. The amount  
19 of the lien shall be collected in a manner similar to the  
20 provisions for the collection of past-due contributions in  
21 section ninety-six point fourteen (96.14), subsection three  
22 (3) of the Code.

23 Sec. 29. Section ninety-six point nineteen (96.19), subsec-  
24 tion six (6), paragraph a, subparagraph seven (7)(a), Code  
25 1979, is amended to read as follows:

26 (7)(a) A person in agricultural labor when such labor  
27 is performed for an employing unit which during any calendar  
28 quarter in the calendar year or the preceding calendar year  
29 paid remuneration in cash of twenty thousand dollars or more  
30 to individuals employed in agricultural labor excluding labor  
31 performed before January 1, 1980, by an alien referred to  
32 in this subparagraph; or on each of some twenty days during  
33 the calendar year or the preceding calendar year, each day  
34 being in a different calendar week, employed in agricultural  
35 labor for some portion of the day ten or more individuals,

1 excluding labor performed before January 1, 1980, by an alien  
 2 referred to in this subparagraph; and such labor is not  
 3 agricultural labor performed before January 1, 1980, by an  
 4 individual who is an alien admitted to the United States to  
 5 perform agricultural labor pursuant to sections 214(c) and  
 6 101(a)(15)~~(H)~~(H) of the Immigration and Nationality Act,  
 7 8 U.S.C. s. 1184(c), 1101(a)(15)(H) (1976).

8 Sec. 30. Section ninety-six point nineteen (96.19),  
 9 subsection twenty (20), Code 1979, is amended by adding the  
 10 following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Taxable wages shall not include  
 12 a separation allowance, severance pay or dismissal pay.

13 Sec. 31. Section ninety-six point nineteen (96.19),  
 14 subsection twenty-eight (28), Code 1979, is amended to read  
 15 as follows:

16 28. There is a state "on" indicator for a week if the  
 17 rate of insured unemployment under the state law for the  
 18 period consisting of such week and the immediately preceding  
 19 twelve weeks:

20 a---~~Equaled or exceeded five percent,~~ or

21 b---~~Equaled~~ equaled or exceeded four percent and equaled  
 22 or exceeded one hundred twenty percent of the average of ~~these~~  
 23 the rates for the corresponding thirteen-week period ending  
 24 in each of the two preceding ~~two~~ calendar years.

25 Sec. 32. Section ninety-six point nineteen (96.19),  
 26 subsection twenty-nine (29), Code 1979, is amended to read  
 27 as follows:

28 29. There is a state "off" indicator for a week if, for  
 29 the period consisting of ~~such~~ the week and the immediately  
 30 preceding twelve weeks, the rate of insured unemployment under  
 31 the state law was:

32 a---~~Less~~ less than four percent, or

33 b---~~Less less than five percent and less than~~ one hundred  
 34 twenty percent of the average of ~~these~~ the rates for thirteen  
 35 weeks ending in each of the two preceding calendar years,

1 except that, notwithstanding any ~~such~~ provision of this  
2 subsection, any week for which there would otherwise be a  
3 state "on" indicator shall continue to be such a week and  
4 shall not be determined to be a week for which there is a  
5 state "off" indicator.

6 Sec. 33. Section six hundred twenty-six point twenty-nine  
7 (626.29), Code 1979, is amended to read as follows:

8 626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE OR DIRECTOR  
9 OF JOB SERVICE. In the service of a distress warrant issued  
10 by the director of revenue for the collection of income tax,  
11 sales tax, freight line and equipment car tax or use tax or  
12 in the service of a distress warrant issued by the director  
13 of job service for the collection of employment security  
14 contributions, the property of the taxpayer or the employer  
15 in the possession of another, or debts due ~~him~~ the taxpayer  
16 or the employer, may be reached by garnishment.

17 Sec. 34. Section ninety-six point five (96.5), subsection  
18 seven (7), paragraph d, Code 1979, is repealed.

19 Sec. 35. This act is effective July 1, 1979.

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SENATE FILE 373

H-3757

1 Amend Senate File 373, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 22 the  
 4 following:  
 5 "Notwithstanding section ninety-six point eighteen  
 6 (96.18) of the Code, if the department cannot recover  
 7 an overpayment after two years from the last date  
 8 of the overpayment the unemployment compensation trust  
 9 fund shall be reimbursed an amount equal to the  
 10 overpayment from the general fund of this state."

H-3757 FILED *4/11 (p. 1519)* BY MILLER of Buchanan  
 APRIL 5, 1979

SENATE FILE 373

H-3758

1 Amend Senate File 373, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, line 19, by inserting after the word  
 4 "employed," the words "or for an individual who is  
 5 disabled,".  
 6 2. Page 2, line 31, by inserting after the word  
 7 "employed," the words "or if the individual is  
 8 disabled,".  
 9 3. Page 2, line 35, by inserting after the word  
 10 "account." the words "For the purposes of this  
 11 subsection "disabled" or "disability" means  
 12 "disability" as defined in section six hundred one  
 13 A point two (601A.2), subsection eleven (11) of the  
 14 Code."

H-3758 FILED *4/11 (p. 1518)* BY JOCHUM of Dubuque  
 APRIL 5, 1979 PAVICH of Pottawattamie

SENATE FILE 373

H-3646

1 Amend Senate File 373 as follows:  
 2 1. Page 24, by striking lines 8 through 12.

H-3646 *4/12 (p. 1549)* BY KIRKENSLAGER of Des Moines  
 FILED MARCH 29, 1979

1 Amend Senate File 373 as follows:

2 1. By striking page 1, line 4 through page 2,  
3 line 1 and inserting in lieu thereof the following:  
4 "With respect to benefit years beginning on or  
5 after July 1, ~~1975~~ 1979, an eligible individual's  
6 weekly benefit amount for a week of total unemployment  
7 shall be an amount equal to ~~one-twentieth~~ one twenty-  
8 first of his-~~or-her~~ the individual's total wages in  
9 insured work paid during that quarter of his-~~or-her~~  
10 the individual's base period in which such total wages  
11 were highest, subject to the following limitation:  
12 The director shall determine annually a maximum weekly  
13 benefit amount by computing ~~sixty-six-and-two-thirds~~  
14 sixty-two percent of the statewide average weekly  
15 wage paid to employees in insured work which shall  
16 be effective the first day of the first full week  
17 in July. However, the maximum weekly benefit amount  
18 shall remain at one hundred thirty-three dollars until  
19 such time as sixty-two percent of the statewide average  
20 weekly wage paid to employees in insured work on the  
21 first day of the first full week in July exceeds one  
22 hundred thirty-three dollars. At that time the maximum  
23 weekly benefit amount shall be increased to sixty-  
24 two percent of the statewide average weekly wage paid  
25 to employees in insured work. Such maximum weekly  
26 benefit amount, if not a multiple of one dollar shall  
27 be rounded to the higher multiple of one dollar."

H-3641 FILED *Loat 4/11 (p. 1510)*  
MARCH 28, 1979

BY KIRKENSLAGER of Des Moines

SENATE FILE 373

H-3772

1 Amend Senate File 373, as amended and passed by  
2 the Senate, as follows:  
3 1. Page 12, by inserting after line 26 the follow-  
4 ing:

A 5 "Sec. \_\_\_\_ . Section ninety-six point seven (96.7),  
6 subsection three (3), paragraph d, Code 1979, is  
7 amended by adding the following new unnumbered  
8 paragraphs after unnumbered paragraph four (4):  
9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
10 other provision of this chapter, if an employer, who  
11 employs individuals for construction as defined by  
12 the department by rule, has a negative balance in  
13 the employer's account, then the employer shall  
14 contribute an additional two percent of taxable wages  
15 until the employer's negative balance is removed and  
16 shall be subject to section thirty-three (33) of this  
17 Act.

B 18 NEW UNNUMBERED PARAGRAPH. In addition to the  
19 provisions of section thirty-three (33) of this Act,  
20 the department may require a bond to secure the payment  
21 of all contributions by employers of individuals for  
22 construction when the employer has its principal place  
23 of business outside of the state and the employer's  
24 account has a negative balance. For the purpose of  
25 paragraph d of this subsection, "negative balance"  
26 means the balance of an employer's account in which  
27 the benefits charged to an employer exceed the em-  
28 ployer's contributions."  
29 2. Renumber the sections and internal references  
30 in conformance with this amendment.

H-3772 FILED *Law 4/12 (p. 1532)* BY MILLER of Buchanan  
APRIL 6, 1979

FISCAL NOTE  
SENATE FILE 373  
Requested by Representative Pope  
April 5, 1979

In compliance with a written request, there is hereby submitted a Fiscal Note for Senate File 373 pursuant to Joint Rule 16

Senate File 373 as amended and passed by the Senate

Only sections one, two, six and 17 have been estimated. The remaining sections cannot be estimated due to insufficient data.

Assumptions used in obtaining the estimates:

1. The distribution of claimants, by base period and high quarter earnings, in the future, is similar to the historical data used for the estimates. All claimants who filed a claim between July 1, 1977 and June 30, 1978 were used in preparing the estimates.
2. Economic conditions remain similar to the time period mentioned above.
3. Extended benefits are not being paid in Iowa.
4. No other changes are made in the existing law.
5. The distribution of claimants by dependents is the same as that for Iowa resident taxpayers who filed a spring return for 1977.

Benefit Expenditures - Sections one, two and six:

1979/1980 Fiscal Year estimated benefit payout current law \$116,000,000  
1979/1980 Fiscal Year estimated benefit payout proposed law  
\$109,000,000 to \$94,000,000  
Percent savings - 6.2% to 19.3%

Dollars of benefit payments saved - \$7,000,000 to \$22,000,000

The estimated savings ranges from 6.2% to 19.3% depending upon how many claimants have spouses who are not making \$120 per week and depending on how many claimants are claimants due to firms going out of business.

Source: Iowa Department of Job Service

FILED APRIL 9, 1979

GERRY D. RANKIN  
Legislative Fiscal Bureau

SENATE FILE 373

H-3713

1 Amend Senate File 373, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Sec. \_\_\_\_\_. Section ninety-six point three (96.3),  
6 subsection three (3), Code 1979, is amended to read  
7 as follows:

8 3. PARTIAL UNEMPLOYMENT. Each An individual who  
9 is partially unemployed in any week as defined in  
10 section 96.19, subsection 9, paragraph "b", and who  
11 meets the conditions of eligibility for benefits shall  
12 be paid with respect to ~~such~~ that week an amount equal  
13 to ~~that~~ the individual's weekly benefit amount less  
14 ~~fifty-percent-of~~ that part of wages payable to him  
15 ~~or-her~~ the individual with respect to ~~such~~ that week  
16 in excess of ~~fifteen-dollars~~ one-fourth of the  
17 ~~individual's weekly benefit amount.~~ Such benefits  
18 shall be rounded to the higher multiple of one dollar."

19 2. Page 3, by striking lines 1 through 10.

20 3. Page 4, by striking lines 10 through 23 and  
21 inserting in lieu thereof the following:

22 "4. ~~He-or-she~~ The individual has been paid wages  
23 for insured work during the individual's base period  
24 in an amount at least one and one-half times the wages  
25 paid to the individual during that quarter of the  
26 individual's base period in which the individual's  
27 wages were highest; provided that the individual has  
28 been paid wages for insured work of not less than  
29 four hundred dollars in that calendar quarter in his  
30 or-her the individual's base period in which his-or  
31 her the individual's wages were the highest, and also  
32 he-or-she the individual has been paid wages for  
33 insured work of not less than two hundred dollars  
34 in a calendar quarter in his-or-her the individual's  
35 base period other than the calendar quarter in which  
36 his-or-her the individual's wages were the highest,  
37 and-provided-further-if-he-or-she.

38 If the individual has drawn benefits in any benefit  
39 year, he-or-she the individual must during or  
40 subsequent to that year, work in and be paid wages  
41 in for insured work totaling two-hundred-dollars at  
42 least six times the individual's average weekly wage,  
43 during that quarter of the individual's base period  
44 in which the individual's wages were highest, as a  
45 condition to receive benefits in the next benefit  
46 year."

47 4. Page 5, by inserting after line 7 the following:

48 "Sec. \_\_\_\_\_. Section ninety-six point four (96.4),  
49 Code 1979, is amended by adding the following new  
50 subsection:

1 NEW SUBSECTION. The individual has satisfied a  
 2 one-week waiting period. For purposes of this  
 3 subsection a one-week waiting period means the  
 4 individual must be unemployed for one week in the  
 5 benefit year for which the individual claims benefits,  
 6 provided that the individual is not eligible for any  
 7 benefits with respect to this week from another state  
 8 and provided that the individual is eligible for  
 9 benefits for this week from this state. Benefits  
 10 shall not be paid to the individual for the one-week  
 11 waiting period until benefits have been payable for  
 12 five consecutive weeks following the waiting period."

13 5. Page 5, by striking lines 33 and 34 and  
 14 inserting in lieu thereof the words "for not less  
 15 than six consecutive weeks of work, provided he-~~er~~  
 16 she".

17 6. Page 6, by striking line 10 and inserting in  
 18 lieu thereof the words "work for not less than six  
 19 consecutive weeks of work,".

20 7. Page 7, line 14, by inserting after the word  
 21 "any." the words "The department in cooperation with  
 22 the employment office shall, if possible, furnish  
 23 the individual with the names of employers which are  
 24 seeking employees. The individual shall apply to  
 25 and obtain the signatures of the employers designated  
 26 by the department on forms provided by the department,  
 27 unless the employers refuse to sign the forms. The  
 28 individual's failure to obtain the signatures of  
 29 designated employers, which have not refused to sign  
 30 the forms, shall disqualify the individual from further  
 31 benefits until requalified."

32 8. Page 7, by striking line 17 and inserting in  
 33 lieu thereof the words "work for not less than six  
 34 consecutive weeks of work,".

35 9. By striking page 7, line 19 through page 8,  
 36 line 4 and inserting in lieu thereof the following:

37 "a. In determining whether or not any work is  
 38 suitable for an individual, the department shall  
 39 consider the degree of risk involved to ~~his-er-her~~  
 40 the individual's health, safety, and morals, his-er  
 41 her the individual's physical fitness and, prior  
 42 training, his-er-her-experience-and-prior-earnings,  
 43 his-er-her length of unemployment, and prospects for  
 44 securing local work in his-er-her the individual's  
 45 customary occupation, and the distance of the available  
 46 work from his-er-her the individual's residence, and  
 47 any other factor which ~~is~~ the department finds bears  
 48 a reasonable relation to the purposes of this  
 49 subsectio~~n~~ paragraph. Work is suitable if the work  
 50 meets all the other criteria of this paragraph and

1 if the gross weekly wages for the work equal or exceed  
2 the following percentages of the individual's average  
3 weekly wage for insured work paid to the individual  
4 during that quarter of the individual's base period  
5 in which the individual's wages were highest:

6 (1) One hundred percent, if the work is offered  
7 during the first five weeks of unemployment.

8 (2) Seventy-five percent, if the work is offered  
9 during the sixth through the twelfth week of  
10 unemployment.

11 (3) Seventy percent, if the work is offered during  
12 the thirteenth through the eighteenth week of  
13 unemployment.

14 (4) Sixty-five percent, if the work is offered  
15 after the eighteenth week of unemployment.

16 However, the provisions of this paragraph shall not  
17 require an individual to accept employment below the  
18 federal minimum wage."

19 10. Page 8, line 23, by inserting after the word  
20 "notice" the words "separation allowance, severance  
21 pay or dismissal pay".

22 11. Page 18, lines 16 and 17, by striking the  
23 words "and the determinations made as to the benefit  
24 rights of an individual".

25 12. Page 18, lines 29 and 30, by striking the  
26 words "and determinations as to benefit rights of  
an individual".

27 13. Page 18, by striking lines 31 through 33 and  
28 inserting in lieu thereof the words "not be used in  
29 any action or proceeding except in a contested case  
30 proceeding or judicial review under the provisions  
31 of chapter seventeen A (17A) of the Code. Information  
32 in the department's".

33 14. Page 19, lines 7 and 8, by striking the words  
34 "and determinations as to benefit rights of an  
35 individual".

36 15. Page 24, by striking lines 8 through 12 and  
37 inserting in lieu thereof the following:  
38 "Sec. 30. Section ninety-six point nineteen  
39 (96.19), subsection twelve (12), Code 1979, is amended  
40 by adding the following new paragraph:

41 NEW PARAGRAPH. e. A separation allowance,  
42 severance pay or dismissal pay."

43 16. Page 25, by inserting after line 5 the  
44 following:

45 "Sec. \_\_\_\_\_. Section ninety-six point nineteen  
46 (96.19), Code 1979, is amended by adding the following  
47 new subsection:

48 NEW SUBSECTION. "Consecutive weeks of work" means  
49 a period of time in which an individual works and  
50

Page four  
H-3713

1 is paid wages for insured work for each and every  
2 week in the period equal to or exceeding fifty percent  
3 of the individual's average weekly wage during that  
4 quarter of the individual's base period in which the  
5 individual's wages were highest. However, the  
6 requirement that the weeks be consecutive shall be  
7 waived for a week in which the individual does not  
8 earn the required amount of wages due to illness,  
9 excused absence, or a stoppage of work because of  
10 weather, but the week shall not be counted as one  
11 of the required consecutive weeks."

12 17. Amend the title by striking lines 3 through  
13 7 and inserting in lieu thereof the following: "for  
14 eligibility for benefits, by recomputing partial  
15 benefits, by recomputing individual weekly benefit  
16 amounts and maximum benefits as a percentage of the  
17 statewide average weekly wage to vary with the number  
18 of dependents, by reducing certain benefits from  
19 thirty-nine to twenty-six weeks, by reducing the  
20 percentage of wages credited to an individual's  
21 account, by providing thirty-nine weeks of benefits  
22 and a greater percentage of wage credits to individuals  
23 laid off due to an employer going out of business,  
24 by mandating contribution rate table three for fiscal  
25 years 1980 and 1981, by exempting severance pay from  
26 employer taxation,".

27 18. Amend the title by striking lines 17 and 18  
28 and inserting in lieu thereof the words "liability  
29 determinations, by establishing rates of contribution  
30 for government contributing employers, by allowing  
31 government employers to elect reimbursable or  
32 contributing status for a one-year period, by  
33 recomputing certain".

H-3713 FILED A - Adopted 4/9 (p. 1452)  
APRIL 4, 1979 B - Adopted 4/9 (p. 1455)  
C - Adopted 4/9 (p. 1458)  
D - Adopted 4/9 (p. 1460) E - Adopted 4/10 (p. 1494)  
F - Adopted 4/10 (p. 1496)  
G - Adopted 4/10 (p. 1497) L, J  
H - Adopted 4/11 (p. 1504)  
I - Adopted 4/9 (p. 1462)  
K - Adopted 4/11

BY COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS  
Crabb, Chairperson

H-3710

- 1 Amend Senate File 373 as follows:  
2 1. Page 8, by striking lines 10 and 11.  
3 2. Page 8, line 12, by striking the figure "(2)"  
4 and inserting in lieu thereof the figure "(1)".  
5 3. Page 8, line 15, by striking the figure "(3)"  
6 and inserting in lieu thereof the figure "(2)".

H-3710 FILED Lost 4/11 (p. 1523)  
APRIL 3, 1979

BY TYRRELL of Iowa  
MAULSBY of Calhoun  
ANDERSON of Audubon  
BRANSTAD of Winnebago  
DANKER of Pottawattamie  
SWEARINGEN of Keokuk

SENATE FILE 373

H-3728

- 1 Amend Senate File 373, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 12, by striking the word "forty"
- 4 and inserting in lieu thereof the words "forty twenty".

H-3728 FILED *Passed 4/12 (p. 1540)*  
APRIL 4, 1979

BY HULLINGER of Decatur

SENATE FILE 373

H-3729

- 1 Amend Senate File 373, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 9, by inserting after line 19 the following
- 4 new section:
- 5 "Sec. \_\_\_\_ . Section ninety-six point five (96.5),
- 6 Code 1979, is amended by adding the following new
- 7 subsection:
- 8 NEW SUBSECTION. If an individual is temporarily
- 9 laid off due to a disciplinary layoff or suspension
- 10 imposed by the individual's employer."

H-3729 FILED *Passed 4/11 (p. 1524)*  
APRIL 4, 1979

BY MILLER of Buchanan

SENATE FILE 373

H-3748

- 1 Amend Senate File 373, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 22 the follow-
- 4 ing:
- 5 "If the department cannot recover an overpayment
- 6 after two years from the last date of the overpayment
- 7 the charge for the overpayment against the employer's
- 8 account shall be removed and the account shall be
- 9 credited with an amount equal to the overpayment from
- 10 the unemployment compensation trust fund."

H-3748 FILED *Adopted 4/11 (p. 1519)*  
APRIL 5, 1979

BY MILLER of Buchanan

SENATE FILE 373

H-3715

- 1 Amend the House committee amendment, H-3713
- 2 to Senate File 373 as follows:
- 3 1. Page 3, by striking lines 19 through 21.

H-3715 FILED *Last 4/11 (p. 1507)*  
 APRIL 4, 1979

BY KIRKENSLAGER of Des Moines

SENATE FILE 373

H-3716

- 1 Amend the House committee amendment, H-3713
- 2 to Senate File 373 as follows:
- 3 1. Page 2, by striking lines 20 through 31.

H-3716 FILED *Last 4/10 (p. 1483)*  
 APRIL 4, 1979

BY KIRKENSLAGER of Des Moines

SENATE FILE 373

H-3717

- 1 Amend Senate File 373 as follows:
- 2 1. Page 8, by striking lines 10 and 11 and
- 3 inserting in lieu thereof the following:
- 4 "~~{1}~~ If the position offered is vacant due
- 5 ~~directly to a strike, lockout, or other labor~~
- 6 ~~dispute."~~
- 7 2. Page 8, line 12, by striking the figure
- 8 "(2)" and inserting in lieu thereof the figures
- 9 "~~{2}~~ (1)".
- 10 3. Page 8, line 15, by striking the figure
- 11 "(3)" and inserting in lieu thereof the figures
- 12 "~~{3}~~ (2)".

H-3717 FILED *Last 4/11 (p. 1522)*  
 APRIL 4, 1979

BY TYRRELL of Iowa  
 MAULSBY of Calhoun  
 ANDERSON of Audubon  
 BRANSTAD of Winnebago  
 DANKER of Pottawattamie  
 SWEARINGEN of Keokuk

SENATE FILE 373

H-3718

- 1 Amend the House committee amendment, H-3713
- 2 to Senate File 373 as follows:
- 3 1. By striking page 1, line 47 through page 2,
- 4 line 12.

H-3718 FILED *Placed out of order*  
 APRIL 4, 1979 *4/4 (p. 1420)*

BY KIRKENSLAGER of Des Moines

SENATE FILE 373

H-3769

- 1- Amend the House Committee Amendment, H-3713, to
- 2 Senate File 373, as amended, passed, and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 3, by striking lines 37 through 43 and
- 5 inserting in lieu thereof the following:
- 6 "15. Page 24, by striking lines 8 through 12."

H-3769 FILED *W/Drawn 4/11 (p. 1502)* BY KIRKENSLAGER of Des Moines  
APRIL 6, 1979

SENATE FILE 373

H-3770

- 1 Amend Senate File 373, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 12, by inserting after line 26 the follow-
- 4 ing:

5 "Sec. \_\_\_\_ Section ninety-six point seven (96.7),  
6 subsection three (3), paragraph d, Code 1979, is  
7 amended by adding the following new unnumbered  
8 paragraphs after unnumbered paragraph four (4):  
9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
10 other provision of this chapter, if an employer, who  
11 employs individuals for construction as defined by  
12 the department by rule and has fifty percent or more  
13 of the employer's gross income derived from contracts  
14 with the state or a political subdivision, has a  
15 negative balance in the employer's account, then the  
16 employer shall contribute an additional two percent  
17 of taxable wages until the employer's negative balance  
18 is removed and shall be subject to section thirty-  
19 three (33) of this Act.

20 NEW UNNUMBERED PARAGRAPH. In addition to the  
21 provisions of section thirty-three (33) of this Act,  
22 the department may require a bond to secure the payment  
23 of all contributions by employers of individuals for  
24 construction when the employer has its principal place  
25 of business outside of the state and the employer's  
26 account has a negative balance. For the purpose of  
27 paragraph d of this subsection, "negative balance"  
28 means the balance of an employer's account in which  
29 the benefits charged to an employer exceed the em-  
30 ployer's contributions."

- 31 2. Renumber the sections and internal references
- 32 in conformance with this amendment.

FILED APRIL 6, 1979

BY MILLER of Buchanan

*A. Lost B-Added out of order  
4/12 (p. 1524)*

SENATE FILE 373

H-3766

1 Amend Senate File 373 as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 17, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_ Section ninety-six point seven (96.7),  
6 Code 1979, is amended by adding the following new  
7 subsection:

8 NEW SUBSECTION. RATE OF CONTRIBUTION BY EMPLOYEES.

9 a. If the total, available unemployment compensa-  
10 tion trust funds fall below twenty percent of the  
11 total benefits paid in any preceding calendar year,  
12 for a period longer than two weeks, each individual  
13 employed by an employer subject to the payment of  
14 contributions under this chapter shall contribute  
15 to the fund, during the subsequent calendar year,  
16 five-tenths of one percent of the individual's taxable  
17 wages, as defined in section ninety-six point nineteen  
18 (96.19), subsection twenty (20) of the Code, paid  
19 to the individual during the subsequent calendar year.

20 b. If an individual is employed, in the same  
21 calendar year, by more than one employer subject to  
22 this chapter the individual shall be entitled to a  
23 refund for contributions paid on wages which exceed  
24 the maximum amount of taxable wages in section ninety-  
25 six point nineteen (96.19), subsection twenty (20)  
26 of the Code.

27 c. An individual employed by an employer who is  
28 required or elects, in lieu of contributing to the  
29 fund at a fixed rate, to reimburse the fund for benefit  
30 payments made on the employer's behalf shall not be  
31 required to pay contributions on the wages earned  
32 from the employer.

33 d. Notwithstanding section ninety-six point seven  
34 (96.7), subsection one (1), paragraph d of the Code,  
35 if an individual is required to contribute to the  
36 fund, the individual's employer shall withhold, in  
37 trust, the contributions from the individual's wages,  
38 shall show the contributions withheld as deductions  
39 on the individual's wage records and the employer's  
40 payroll records, and shall transmit the contribution  
41 withheld to the fund.

42 e. The portion of an individual's wages which  
43 the individual is required to contribute to the fund  
44 shall be exempt from garnishment, attachment, execution  
45 or any other remedy for the collection of debts."

BY TYRRELL of Iowa  
MAULSBY of Calhoun  
ANDERSON of Audubon  
DANKER of Pottawattamie  
SWEARINGEN of Keokuk

*Loose 4/12 (7 1545)*

SENATE FILE 373

'H-3775

1 Amend Senate File 373, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section ninety-six point four (96.4),  
6 subsection five (5), paragraph b, Code 1979, is amended  
7 to read as follows:

8 b. Benefits based on service in employment, defined  
9 in section 96.19, subsection 6, and based on service  
10 after December 31, 1977 in an instructional, research,  
11 or principal administrative capacity for an educational  
12 institution operated by a government entity or a  
13 nonprofit organization, shall not be paid to an  
14 individual for any week of unemployment which begins  
15 during the period between two successive academic  
16 years or terms, (or, when an agreement provides instead  
17 for a similar period between two regular but not  
18 successive terms, during such period) to any individual  
19 if such individual performs such services in the first  
20 of such academic years or terms and if there is a  
21 contract or reasonable assurance that such individual  
22 will perform services in any such capacity for any  
23 educational institution the second of such academic  
24 years or terms, or during a period of paid sabbatical  
25 leave, provided for in the individual's contract,  
26 and

27 Sec. 2. Section ninety-six point five (96.5),  
28 subsection one (1), unnumbered paragraph one (1) and  
29 paragraph a, Code 1979, are amended to read as follows:

30 If he or she has left his or her work voluntarily  
31 without good cause attributable to his or her employer,  
32 if so found by the department. However, the individual  
33 shall requalify for benefits if, subsequent to  
34 voluntarily leaving the employment, the individual  
35 works in and is paid wages for insured work for not  
36 less than six consecutive weeks or equal to ten times  
37 the individual's weekly benefit amount, whichever  
38 occurs first, provided the individual is otherwise  
39 eligible. A "week of work" means a week in which  
40 an individual earns wages equal to or exceeding twenty-  
41 five percent of the statewide average weekly wage.

42 NEW PARAGRAPH. But he or she shall not be  
43 disqualified if the department finds that:

44 a. ~~He or she left his or her employment in good~~  
45 ~~faith for the sole purpose of accepting other~~  
46 ~~employment, which he or she did accept, and that he~~  
47 ~~or she remained continuously in said new employment~~  
48 ~~for not less than six weeks. Wages earned with the~~  
49 ~~employer that he or she has left shall, for the purpose~~  
50 ~~of computing and charging benefits, be deemed wages~~

Page Two  
H-3775

1 earned-from-the-employer-with-whom-the-individual  
2 accepted-ether-employment-and-benefits-shall-be-charged  
3 to-the-employer-with-whom-he-or-she-accepted-ether  
4 employment---The-department-shall-advise-the-chargeable  
5 employer-of-the-name-and-address-of-the-former  
6 employer,--the-period-covered,--and-the-extent-of  
7 benefits-which-may-be-charged-to-the-account-of-the  
8 chargeable-employer---In-these-cases-where-the-new  
9 employment-is-in-another-state,--no-employer's-account  
10 shall-be-charged-with-benefits-so-paid-except-that  
11 employers-who-are-required-by-law-or-by-their-election  
12 to-reimburse-the-fund-for-benefits-paid-shall-be  
13 charged-with-benefits-under-this-paragraph. In those  
14 cases where he or she left his or her employment in  
15 good faith for the sole purpose of accepting better  
16 employment, which he or she did accept and such  
17 employment is terminated by the employer, or he or  
18 she is laid off after one week but prior to the  
19 expiration of six weeks, the claimant, provided he  
20 or she is otherwise eligible under this chapter, shall  
21 be eligible for benefits and-such-benefits-shall-not  
22 be-charged-to-any-employer's-account.

23 Sec. 3. Section ninety-six point five (96.5),  
24 subsection one (1), paragraph g, Code 1979, is amended  
25 by striking the paragraph.

26 Sec. 4. Section ninety-six point five (96.5),  
27 subsection two (2), paragraph a, Code 1979, is amended  
28 to read as follows:

29 a. ~~He or she~~ The individual shall forfeit one  
30 to ~~nine~~ fourteen weeks benefits.

31 Sec. 5. Section ninety-six point five (96.5),  
32 subsection five (5), Code 1979, is amended to read  
33 as follows:

34 5. OTHER COMPENSATION. For any week with respect  
35 to which ~~he or she~~ the individual is receiving or  
36 has received payment in the form of:

37 a. Wages in lieu of notice;

38 b. Compensation for temporary disability under  
39 the workers' compensation law of any state or under  
40 a similar law of the United States;

41 c. Old-age benefits under title II of the Social  
42 Security Act (42 USC, chapter 7), as amended, or  
43 similar retirement payments under any Act of Congress;  
44 however-~~only~~ only ~~fifty~~ only ~~percent~~ only ~~of~~ only ~~the~~ only ~~old~~ only ~~age~~ only ~~benefits~~ only  
45 ~~under~~ only ~~title~~ only ~~II~~ only ~~of~~ only ~~the~~ only ~~Social~~ only ~~Security~~ only ~~Act~~ only ~~shall~~ only ~~be~~ only  
46 ~~deducted~~ only ~~from~~ only ~~his~~ only ~~or~~ only ~~her~~ only ~~weekly~~ only ~~benefits~~ only;

47 d. ~~Benefits~~ only ~~paid~~ only ~~as~~ only ~~retirement~~ only ~~pay~~ only ~~or~~ only ~~as~~ only ~~private~~ only  
48 ~~pension~~ only ~~A~~ only ~~governmental~~ only ~~or~~ only ~~other~~ only ~~pension~~ only ~~,~~ only ~~retirement~~ only  
49 ~~or~~ only ~~retired~~ only ~~pay~~ only ~~,~~ only ~~annuity~~ only ~~,~~ only ~~or~~ only ~~any~~ only ~~other~~ only ~~similar~~ only ~~periodic~~ only  
50 ~~payment~~ only ~~which~~ only ~~is~~ only ~~based~~ only ~~on~~ only ~~the~~ only ~~previous~~ only ~~work~~ only ~~of~~ only ~~the~~ only

1 individual.

2 Provided, that if such remuneration is less than  
3 the benefits which would otherwise be due under this  
4 chapter, he-or-she the individual shall be entitled  
5 to receive for such week, if otherwise eligible,  
6 benefits reduced by the amount of such remuneration.  
7 Provided further, if benefits were paid for any week  
8 under this chapter for a period when benefits,  
9 remuneration or compensation under paragraphs "a",  
10 "b", "c", or "d", of this subsection were paid on  
11 a retroactive basis for the same period, or any part  
12 thereof, the department shall recover any such excess  
13 amount of benefits paid by the department for such  
14 period, and no employer's account shall be charged  
15 with benefits so paid, provided further, however,  
16 that ~~retirement-pay-ex~~ compensation for service-  
17 connected disabilities or ~~pensions-and~~ compensation  
18 for accrued leave based on military service, by the  
19 beneficiary, with the armed forces of the United  
20 States, irrespective of the amount of the benefit,  
21 shall in no way disqualify any individual, otherwise  
22 qualified, from any of the benefits contemplated  
23 herein.

24 Sec. 6. Section ninety-six point six (96.6),  
25 subsection eight (8), Code 1979, is amended to read  
26 as follows:

27 8. JUDICIAL REVIEW. ~~A decision of the appeal~~  
28 ~~board shall become final ten days after the date of~~  
29 ~~retification or mailing thereof. Judicial review~~  
30 ~~of any decision of the appeal board may be sought~~  
31 ~~in accordance with the terms of the Iowa administrative~~  
32 ~~procedure Act. An application for rehearing shall~~  
33 be filed pursuant to section seventeen A point sixteen  
34 (17A.16) of the Code. A petition for judicial review  
35 of a decision of the department or of the appeal board  
36 shall be filed pursuant to section seventeen A point  
37 nineteen (17A.19) of the Code. The department may  
38 be represented in any such judicial review proceeding  
39 by any qualified attorney who is a regular salaried  
40 employee of the department or who has been designated  
41 by the department for that purpose, or at the  
42 department's request, by the attorney general.  
43 Notwithstanding the terms of the Iowa administra-  
44 tive procedure Act, petitions for judicial review  
45 may be filed in the district court of the county in  
46 which the claimant was last employed or resides,  
47 provided that if the claimant does not reside in the  
48 state of Iowa the action shall be brought in the  
49 district court of Polk county, Iowa, and any other  
50 party to the proceeding before the appeal board shall

1 be named in the petition. Notwithstanding the thirty-  
2 day requirement in section seventeen A point nineteen  
3 (17A.19), subsection ~~ix~~ (6) of the Code, the  
4 department shall, within sixty days after filing of  
5 the petition for judicial review or within a longer  
6 period of time allowed by the court, transmit to the  
7 reviewing court the original or a certified copy or  
8 the entire record of a contested claim. The department  
9 may also certify to such courts, questions of law  
10 involved in any decision by it. Petitions for judicial  
11 review and the questions so certified shall be given  
12 precedence over all other civil cases except cases  
13 arising under the workers' compensation law of this  
14 state. No bond shall be required for entering an  
15 appeal from any final order, judgment or decree of  
16 the district court to the supreme court.

17 Sec. 7. Section ninety-six point seven (96.7),  
18 subsection one (1), paragraph a, Code 1979, is amended  
19 to read as follows:

20 a. ~~On-and-after-July-1,-1936,-contributions~~  
21 Contributions shall accrue on all taxable wages paid  
22 by an employer for insured work.

23 Sec. 8. Section ninety-six point seven (96.7),  
24 subsection two (2), Code 1979, is amended by striking  
25 the subsection.

26 Sec. 9. Section ninety-six point seven (96.7),  
27 subsection three (3), paragraph a, subparagraphs one  
28 (1), two (2), and three (3), Code 1979, is amended  
29 to read as follows:

30 a. EMPLOYER ACCOUNT CHARGES.

31 (1) The department shall maintain a separate  
32 account for each employer and shall credit his or  
33 her account with all contributions which he or she  
34 has paid or which have been paid on his or her behalf.

35 (2) The amount of regular benefits plus fifty  
36 percent of the amount of extended benefits, as  
37 determined under section 96.29, paid to an eligible  
38 individual shall be charged against the account of  
39 the employers in the base period in the inverse  
40 chronological order in which the employment of such  
41 individual occurred.

42 (3) Provided, that in any case in which a claimant  
43 to whom such benefits are paid is in the employ of  
44 a base period employer at the time he or she is  
45 receiving such benefits, and he or she is receiving  
46 the same employment from such employer that he or  
47 she received during his or her base period, then no  
48 charge of benefits paid to such claimant shall be  
49 made against the account of such employer.

50 (4) No An employer's account shall not be charged

1 with benefit payments made to any individual who ~~quit~~  
2 such-employment has left the work of the employer  
3 voluntarily without good cause attributable to the  
4 employer, but shall be charged to the account of the  
5 next succeeding employer with whom the individual  
6 requalified for benefits as determined under section  
7 96.5, subsection 1, unnumbered paragraph "g" one (1).  
8 (5) Wages earned from an employer that an  
9 individual has left voluntarily without good cause  
10 attributable to the employer shall, for the purpose  
11 of computing and charging benefits, be deemed wages  
12 earned from the employer with whom the individual  
13 accepted other employment and benefits shall be charged  
14 to the employer with whom the individual accepted  
15 other employment. However, a succeeding employer's  
16 account shall not be charged with benefits due to  
17 a transfer of wages from a previous employer's account  
18 to the succeeding employer's account if the transferred  
19 benefit charges would reduce the employer's percentage  
20 of excess by more than four one-thousandths. The  
21 department shall advise the chargeable employer of  
22 the name and address of the former employer, the  
23 period covered, and the extent of benefits which may  
24 be charged to the account of the chargeable employer.  
25 In those cases where the new employment is in another  
26 state, no employer's account shall be charged with  
27 benefits so paid except that employers who are required  
28 by law or by their election to reimburse the fund  
29 for benefits paid shall be charged with benefits under  
30 section ninety-six point five (96.5) of the Code.  
31 However, if the individual accepted the better  
32 employment and the employment is terminated or the  
33 individual is laid off after one week but prior to  
34 the expiration of six weeks, the individual's benefits  
35 shall not be charged to any employer's account.  
36 ~~(3)~~ (6) The amount of regular benefits so charged  
37 in any calendar quarter against the account of any  
38 employer shall not exceed the amount of such  
39 individual's wage credits based on employment with  
40 such employer during such quarter. The amount of  
41 extended benefits so charged in any calendar quarter  
42 against the account of any employer shall not exceed  
43 an additional fifty percent of the amount of such  
44 individual's wage credits based on employment with  
45 such employer during such quarter except that all  
46 extended benefits shall be so charged if a government  
47 reimbursable employer pays all extended benefits under  
48 subsection eight (8), paragraph c of this section.  
49 Sec. 10. Section ninety-six point seven (96.7),  
50 subsection three (3), paragraph c, Code 1979, is

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1 amended to read as follows:

2 3. EMPLOYER CONTRIBUTION RATES.

3 ~~e-~~ a. Each contributing employer's rate of  
4 contribution shall be two and seven-tenths percent  
5 except as otherwise provided in this chapter. No  
6 reduced rate of contribution shall be granted to a  
7 contributing employer until there shall have been  
8 twelve consecutive calendar quarters immediately  
9 preceding the first computation date throughout which  
10 his or her account has been chargeable with benefit  
11 payments. ~~Provided, that with respect to the calendar~~  
12 ~~year commencing January 1, 1972, and each calendar~~  
13 ~~year thereafter, except~~ Except as provided in paragraph  
14 "d" of this subsection, a contributing employer who  
15 has not been subject to this chapter for a sufficient  
16 period of time to meet the twelve-quarter requirement  
17 shall qualify for a computed rate of contribution  
18 if there shall have been a lesser period throughout  
19 which his or her account has been chargeable, but  
20 in no event less than eight consecutive calendar  
21 quarters immediately preceding the computation date;  
22 provided further, that with respect to the calendar  
23 years commencing January 1, 1972, ~~and ending December~~  
24 ~~31, 1977, except as provided in paragraph "d" of this~~  
25 ~~subsection~~ 1978, each contributing employer newly  
26 subject to this chapter shall pay contributions at  
27 ~~the rate of one and five-tenths percent and beginning~~  
28 ~~January 1, 1978~~ at the rate specified in the ninth  
29 percentage of excess rank but not less than one point  
30 eight six percent on two-thirds of the employer's  
31 annual payroll and at the rate specified in the sixth  
32 percentage of excess rank but not less than one percent  
33 on one-third of the employer's annual payroll until  
34 the end of the calendar year in which the employer  
35 shall have had eight consecutive calendar quarters  
36 immediately preceding the computation date throughout  
37 which his or her account has been chargeable with  
38 benefit payments, thereafter his or her contribution  
39 rate shall be determined in accordance with paragraph  
40 "a" "b" of this subsection.

41 Sec. 11. Section ninety-six point seven (96.7),  
42 subsection three (3), paragraph d, unnumbered paragraph  
43 four (4), Code 1979, is amended to read as follows:

44 Each employer qualified for an experience rating  
45 shall be assigned a contribution rate for each rate  
46 year that corresponds to the employer's percentage  
47 of excess rank in the rate table effective for the  
48 rate year from the following rate tables. Each  
49 employer's percentage of excess rank shall be computed  
50 by listing all the employers by decreasing percentages

1 of excess, from the highest positive percentage of  
2 excess to the highest negative percentage of excess  
3 and grouping the employers so listed into twenty-one  
4 separate ranks containing as nearly as possible four  
5 point seventy-six percent of the total taxable wages,  
6 excluding reimbursable employment wages, paid in  
7 covered employment during the first four completed  
8 calendar quarters immediately preceding the rate  
9 computation date. If an employer's taxable wages  
10 qualify the employer for two separate percentage of  
11 excess ranks the employer shall be afforded the  
12 percentage of excess rank assigned the lower  
13 contribution rate. However, if the employer's taxable  
14 wages, which qualify the employer for the percentage  
15 of excess assigned the higher contribution rate,  
16 exceed an amount equal to ten times the statewide  
17 average annual wage such taxable wages shall be  
18 afforded the percentage of excess assigned the higher  
19 contribution rate. Employers with identical  
20 percentages of excess shall be assigned to the same  
21 percentage of excess rank.

22 Sec. 12. Section ninety-six point seven (96.7),  
23 subsection three (3), paragraph d, unnumbered paragraph  
24 six (6), Code 1979, is amended to read as follows:

25 Provided, however, that notwithstanding any other  
26 provisions of this chapter, the applicable contribution  
27 rate table for the calendar years-1978-and year 1979  
28 will be table two if the ratio of the current reserve  
29 fund ratio to the highest benefit cost rate on the  
30 rate computation date is less than 0.75. However,  
31 notwithstanding any other provision of this chapter,  
32 the applicable contribution rate table for the calendar  
33 year 1980 shall be table three unless the ratio of  
34 the current reserve fund ratio to the highest benefit  
35 cost rate on the rate computation date is 1.0 or  
36 higher. Provided further that during any rate year  
37 in which a rate table in rate tables ~~four~~ three through  
38 nine is effective an employer assigned a contribution  
39 rate under the provisions of this paragraph shall  
40 not be required to contribute to the unemployment  
41 compensation trust fund if the employer's percentage  
42 of excess is seven point five percent or greater for  
43 the rate year and the employer has not been charged  
44 with benefit payments for any time within the ~~forty~~  
45 twenty-eight calendar quarters immediately preceding  
46 the rate computation date for the rate year.

47 Sec. 13. Section ninety-six point seven (96.7),  
48 subsection three (3), Code 1979, is amended by adding  
49 the following new paragraphs:

50 NEW PARAGRAPH. Notwithstanding any provision of

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1 this chapter to the contrary, an employer's rate of  
2 contribution shall not increase by more than three  
3 percentage of excess ranks in the appropriate table  
4 if the employer's account is charged with benefit  
5 payments of less than forty times the maximum weekly  
6 benefit amount.

7 NEW PARAGRAPH. If an employer has not filed a  
8 contribution or payroll quarterly report, as required  
9 under section ninety-six point eleven (96.11),  
10 subsection seven (7) of the Code, for a calendar  
11 quarter which precedes the computation date and upon  
12 which the employer's rate of contribution is computed,  
13 the employer's average annual taxable payroll shall  
14 be computed by adding the taxable wages in the  
15 appropriate quarterly reports on file and dividing  
16 that sum by the number of years and quarters of years  
17 for which quarterly reports are on file.

18 If a delinquent quarterly report is received by  
19 November fifteenth immediately following the  
20 computation date the rate of contribution shall be  
21 recomputed by using the taxable wages in all the  
22 appropriate quarterly reports on file to determine  
23 the average annual taxable payroll.

24 If a delinquent quarterly report is received after  
25 November fifteenth following the computation date  
26 the rate of contribution shall not be recomputed,  
27 unless the rate is appealed in writing to the  
28 department under paragraph e of this subsection and  
29 the delinquent quarterly report received after November  
30 fifteenth is also submitted not later than thirty  
31 days after the department notifies the employer of  
32 the rate under paragraph e of this subsection.

33 Sec. 14. Section ninety-six point seven (96.7),  
34 subsection four (4), Code 1979, is amended by adding  
35 the following new paragraph:

36 NEW PARAGRAPH. EMPLOYER LIABILITY DETERMINATION.  
37 The department shall initially determine all questions  
38 relating to the liability of an employing unit or  
39 employer, including the amount of contribution, the  
40 rate of contribution, and successorship. A copy of  
41 the initial determination shall be sent by regular  
42 mail to the last address, according to the records  
43 of the department, of each affected employing unit  
44 or employer.

45 The affected employing unit or employer may appeal  
46 in writing to the department from the initial  
47 determination. An appeal shall not be entertained  
48 for any reason by the department unless the appeal  
49 is filed with the department within thirty days from  
50 the date on which the initial determination is mailed.

1 If an appeal is not so filed, the initial determination  
2 shall with the expiration of the appeal period become  
3 final and conclusive in all respects and for all  
4 purposes.

5 A hearing on an appeal shall be conducted according  
6 to the regulations and rules promulgated by the  
7 department. A copy of the decision of the hearing  
8 officer shall be sent by regular mail to the last  
9 address, according to the records of the department,  
10 of each affected employing unit or employer.

11 The department's decision on the appeal shall be  
12 final and conclusive as to the liability of the  
13 employing unit or employer unless the employing unit  
14 or employer files an appeal for judicial review within  
15 thirty days after the date of mailing of the decision  
16 as provided in subsection six (6) of this section.

17 Sec. 15. Section ninety-six point seven (96.7),  
18 subsection eight (8), paragraph a, Code 1979, is  
19 amended to read as follows:

20 a. A government entity which is an employer under  
21 the provisions of this chapter shall make benefit  
22 payments in a manner provided for a government  
23 reimbursable employer unless the employer elects to  
24 pay unemployment compensation benefits as a  
25 contributing employer. Government entities may  
26 establish a group account as provided in this section.  
27 Any election under this subsection to be a government  
28 contributing employer shall be effective for a minimum  
29 of ~~two~~ one calendar years ~~year~~ and may be changed  
30 if an election is made to be a government reimbursable  
31 employer prior to December ~~1~~ first for a minimum of  
32 the ~~two~~ following calendar years year.

33 Sec. 16. Section ninety-six point seven (96.7),  
34 subsection eight (8), paragraph b, unnumbered paragraph  
35 one (1), Code 1979, is amended to read as follows:

36 For the purposes of this subsection "government  
37 contributing employer" means a government entity  
38 electing to contribute for a minimum period of ~~two~~  
39 one calendar years ~~year~~ at a contribution rate  
40 determined by the department in the following manner:

41 Sec. 17. Section ninety-six point seven (96.7),  
42 subsection eight (8), paragraph b, subparagraph one  
43 (1), Code 1979, is amended by striking the  
44 subparagraph.

45 Sec. 18. Section ninety-six point seven (96.7),  
46 subsection eight (8), paragraph b, Code 1979, is  
47 amended by adding the following new subparagraphs:

48 NEW SUBPARAGRAPH. For the calendar year beginning  
49 January 1, 1980 the contribution rate shall be computed  
50 by the department immediately preceding the rate

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1 computation date by using the potential benefit charges  
2 of all government contributing employers for calendar  
3 year 1978 divided by the total of all taxable wages  
4 of government contributing employers for calendar  
5 year 1978.

6 NEW SUBPARAGRAPH. For the calendar year beginning  
7 January 1, 1981 and each subsequent year, each  
8 government contributing employer with at least eight  
9 consecutive calendar quarters immediately preceding  
10 the rate computation date throughout which the  
11 employer's account has been chargeable with benefit  
12 payments, shall be assigned a contribution rate under  
13 the provisions of this subparagraph. Contribution  
14 rates shall be assigned by listing all such government  
15 contributing employers by decreasing percentages of  
16 excess from the highest positive percentage of excess  
17 to the highest negative percentage of excess. The  
18 employers so listed shall be grouped into seven  
19 separate percentage of excess ranks each containing  
20 as nearly as possible one-seventh of the total taxable  
21 wages of government entities eligible to be assigned  
22 a rate under this subparagraph. The department shall  
23 annually calculate a base rate for each calendar year.  
24 The base rate is equal to the sum of the benefit  
25 payments charged to government contributing employers  
26 in the preceding calendar year at the time of the  
27 rate computation plus the difference between the total  
28 benefits less contributions made by government  
29 contributing employers since January 1, 1980 which  
30 sum is divided by the total taxable wages of government  
31 contributing employers for the preceding year rounded  
32 to the next highest one-tenth of a percentage point.  
33 If total contributions since January 1, 1980 exceed  
34 total benefit payments for government contributing  
35 employers, the difference shall be subtracted from  
36 the benefit payments of the preceding year. If  
37 benefits since January 1, 1980 exceed total  
38 contributions for government contributing employers  
39 the difference shall be added to the benefit payment  
40 of the preceding year. Excess contributions for the  
41 years 1978 and 1979 will be used to offset benefit  
42 payments in any year where total benefit payments  
43 exceed total contributions of government contributing  
44 employers. The contribution rate as a percentage  
45 of taxable wages of the employer shall be assigned  
46 as follows:

47 If the percent-	The contribu-	Approximate
48 age of excess	tion rate shall	cumulative
49 rank is:	be:	taxable payroll:
50 1	Base Rate - 0.9	14.3

1	2	Base Rate - 0.6	28.6
2	3	Base Rate - 0.3	42.9
3	4	Base Rate	57.2
4	5	Base Rate + 0.3	71.5
5	6	Base Rate + 0.6	85.8
6	7	Base Rate + 0.9	100.0

7 If a government contributing employer is grouped into  
8 two separate percentage of excess ranks, the employer  
9 shall be assigned the lower contribution rate of the  
10 two percentage of excess ranks. Notwithstanding the  
11 provisions of this subparagraph, a government  
12 contributing employer shall not be assigned a  
13 contribution rate less than one-tenth of one percent  
14 of taxable wages unless the employer has a positive  
15 percentage of excess greater than five percent. For  
16 the purposes of this subsection percentage of excess  
17 has the meaning provided in subsection three (3),  
18 paragraph d of this section.

19 For the calendar year beginning January 1, 1981,  
20 government entities electing to be government  
21 contributing employers which are not otherwise eligible  
22 to be assigned a contribution rate under this  
23 subparagraph shall be assigned the base rate for the  
24 calendar year as a contribution rate for the calendar  
25 year.

26 Sec. 19. Section ninety-six point seven (96.7),  
27 subsection fourteen (14), paragraph a, Code 1979,  
28 is amended by striking the paragraph.

29 Sec. 20. Section ninety-six point seven (96.7),  
30 subsections fifteen (15) and sixteen (16), Code 1979,  
31 are amended by striking the subsections.

32 Sec. 21. Section ninety-six point eleven (96.11),  
33 subsection nine (9), Code 1979, is amended to read  
34 as follows:

35 9. SUBPOENAS. In case of contumacy by, or refusal  
36 to obey a subpoena issued to any person, any court  
37 of this state within the jurisdiction of which the  
38 inquiry is carried on or within the jurisdiction of  
39 which said person guilty of contumacy or refusal to  
40 obey is found or resides or transacts business, upon  
41 application by the ~~appeal-board~~ department, or any  
42 member or duly authorized representative thereof,  
43 shall have jurisdiction to issue to such person an  
44 order requiring such person to appear before the  
45 ~~appeal-board~~ department or any member or duly  
46 authorized representative thereof to produce evidence  
47 if so ordered or ~~there~~ to give testimony touching  
48 the matter under investigation or in question; any  
49 failure to obey such order of the court may be punished  
50 by said court as a contempt thereof.

1 Sec. 22. Section ninety-six point fourteen (96.14),  
2 subsection three (3), Code 1979, is amended by adding  
3 the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. If an amount due from  
5 a governmental entity of this state remains due and  
6 unpaid for a period of one hundred twenty days after  
7 the due date, the director shall take action as  
8 necessary to collect the amount and shall levy against  
9 any funds due the governmental entity from the state  
10 treasurer, director of the department of revenue,  
11 or any other official or agency of this state or  
12 against an account established by the entity in any  
13 bank. The official, agency or bank shall deduct the  
14 amount certified by the director from any accounts  
15 or deposits or any funds due the delinquent  
16 governmental entity without regard to any prior claim  
17 and shall promptly forward the amount to the director  
18 for the fund. However, the director shall notify  
19 the delinquent entity of the director's intent to  
20 file a levy by certified mail at least ten days prior  
21 to filing the levy on any funds due the entity from  
22 any state official or agency.

23 Sec. 23. Section ninety-six point sixteen (96.16),  
24 subsection one (1), Code 1979, is amended to read  
25 as follows:

26 1. PENALTIES. Whoever An individual who makes  
27 a false statement or representation knowing it to  
28 be false or knowingly fails to disclose a material  
29 fact, to obtain or increase any benefit or other  
30 payment under this chapter, either for himself or  
31 herself the individual or for any other person  
32 individual, shall be is guilty of a fraudulent practice  
33 as defined in section seven hundred fourteen point  
34 eight (714.8) through seven hundred fourteen point  
35 fourteen (714.14) of the Code. Each such false  
36 statement or representation or failure to disclose  
37 a material fact shall constitute a separate offense.  
38 The total amount of benefits or payments involved  
39 in the completion of or in the attempt to complete  
40 a fraudulent practice shall be used in determining  
41 the value involved under section seven hundred fourteen  
42 point fourteen (714.14) of the Code.

43 Sec. 24. Section ninety-six point sixteen (96.16),  
44 subsection two (2), Code 1979, is amended to read  
45 as follows:

46 2. FALSE STATEMENT. Any employing unit or any  
47 officer or agent of an employing unit or any other  
48 person who makes a false statement or representation  
49 knowing it to be false, or who knowingly fails to  
50 disclose a material fact, to prevent or reduce the

1 payment of benefits to any individual entitled thereto,  
2 or to avoid becoming or remaining subject hereto,  
3 or to avoid or reduce any contribution or other payment  
4 required from an employing unit under this chapter,  
5 or who willfully fails or refuses to make any such  
6 contributions or other payment or to furnish any  
7 reports required hereunder or to produce or permit  
8 the inspection or copying of records as required  
9 hereunder, ~~shall be~~ is guilty of a fraudulent practice,  
10 ~~and each such false statement or representation or~~  
11 ~~failure to disclose a material fact, and each day~~  
12 ~~of such failure or refusal, shall constitute a separate~~  
13 ~~offense as defined in sections seven hundred fourteen~~  
14 ~~point eight (714.8) through seven hundred fourteen~~  
15 ~~point fourteen (714.14) of the Code. The total amount~~  
16 ~~of benefits, contributions or payments involved in~~  
17 ~~the completion of or in the attempt to complete a~~  
18 ~~fraudulent practice shall be used in determining the~~  
19 ~~value involved under section seven hundred fourteen~~  
20 ~~point fourteen (714.14) of the Code.~~

21 Sec. 25. Section ninety-six point sixteen (96.16),  
22 subsection four (4), Code 1979, is amended to read  
23 as follows:

24 4. MISREPRESENTATION. ~~Any person~~ An individual  
25 who, by reason of the nondisclosure or  
26 misrepresentation by him or her the individual or  
27 by another, of a material fact, has received any sum  
28 as benefits under this chapter while any conditions  
29 for the receipt of benefits imposed by this chapter  
30 were not fulfilled in his or her the individual's  
31 case, or while he or she the individual was  
32 disqualified from receiving benefits, shall, in the  
33 discretion of the department, either be liable to  
34 have such the sum deducted from any future benefits  
35 payable to him or her the individual under this chapter  
36 or shall be liable to repay to the department for  
37 the unemployment compensation fund, a sum equal to  
38 the amount so received by him or her, and such sum  
39 ~~shall be collectable in the manner provided in section~~  
40 ~~96.14, subsection 3, for the collection of past due~~  
41 ~~contributions~~ the individual. If the department seeks  
42 to recover the amount of the benefits by having the  
43 individual pay to the department a sum equal to that  
44 amount, the department may file a lien with the county  
45 recorder in favor of the state on the individual's  
46 property and rights to property, whether real or  
47 personal. The amount of the lien shall be collected  
48 in a manner similar to the provisions for the  
49 collection of past due contributions in section ninety-  
50 six point fourteen (96.14), subsection three (3) of

1 the Code.

2 Sec. 26. Section ninety-six point nineteen (96.19),  
3 subsection one (1), Code 1979, is amended to read  
4 as follows:

5 1. "Annual payroll". The term "annual payroll"  
6 as used in subsection 3 "d" of section 96.7 means  
7 the total amount of taxable wages paid by an employer  
8 for insured work during the period of four consecutive  
9 calendar quarters ending on June 30 ~~thirtieth~~ of each  
10 year, and the term "average annual payroll" as used  
11 in said subsection means the average of the "annual  
12 payrolls" of an employer for the last three periods  
13 of four consecutive calendar quarters immediately  
14 preceding the computation date. Except that for an  
15 employer who qualifies on any computation date for  
16 a computed rate on the basis of less than twelve  
17 consecutive calendar quarters of chargeability  
18 immediately preceding the computation date, the term  
19 average annual payroll shall be the average of the  
20 annual payrolls for the last two periods of four  
21 consecutive calendar quarters immediately preceding  
22 the computation date. However, if an employer's  
23 current annual payroll increases over the employer's  
24 previous annual payroll, adjusted for any increase  
25 in current taxable wages due to an increase in the  
26 statewide average annual wage, and the payroll increase  
27 is due to taxable wages paid to an increased number  
28 of employees, that increase shall only be included  
29 in the current annual payroll for the purpose of  
30 calculating the employer's percentage of excess to  
31 the extent the increase does not exceed ten percent  
32 of the employer's most recent average annual payroll.  
33 The limitation of an increase in the current annual  
34 payroll shall only be calculated upon application  
35 by the employer to the department.

36 Sec. 27. Section ninety-six point nineteen (96.19),  
37 subsection six (6), paragraph a, subparagraph seven  
38 (7)(a), Code 1979, is amended to read as follows:

39 (7)(a) A person in agricultural labor when such  
40 labor is performed for an employing unit which during  
41 any calendar quarter in the calendar year or the  
42 preceding calendar year paid remuneration in cash  
43 of twenty thousand dollars or more to individuals  
44 employed in agricultural labor excluding labor  
45 performed before January 1, 1980, by an alien referred  
46 to in this subparagraph; or on each of some twenty  
47 days during the calendar year or the preceding calendar  
48 year, each day being in a different calendar week,  
49 employed in agricultural labor for some portion of  
50 the day ten or more individuals, excluding labor

1 performed before January 1, 1980, by an alien referred  
2 to in this subparagraph; and such labor is not  
3 agricultural labor performed before January 1, 1980,  
4 by an individual who is an alien admitted to the  
5 United States to perform agricultural labor pursuant  
6 to sections 214(c) and 101(a)(15)~~(H)~~(H) of the  
7 Immigration and Nationality Act, 8 U.S.C. s. 1184(c),  
8 1101(a)(15)(H) (1976).

9 Sec. 28. Section ninety-six point nineteen (96.19),  
10 subsection twenty-one (21), Code 1979, is amended  
11 to read as follows:

12 21. "Computation date". The computation date  
13 for contribution rates shall be July-1 October first  
14 of that calendar year preceding the calendar year  
15 with respect to which such rates are to be effective.  
16 ~~If the total trust funds available for payment of~~  
17 ~~unemployment compensation benefits through April 1,~~  
18 ~~1978, is projected to fall below twenty million dol-~~  
19 ~~lars, the director of the Iowa department of job~~  
20 ~~service shall prepare and adopt such procedures for~~  
21 ~~advance payment of a portion of the employer's~~  
22 ~~unemployment contributions projected due for the first~~  
23 ~~quarter of the calendar year beginning January 1,~~  
24 ~~1978.~~

25 Sec. 29. Section six hundred twenty-six point  
26 twenty-nine (626.29), Code 1979, is amended to read  
27 as follows:

28 626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE  
29 OR DIRECTOR OF JOE SERVICE. In the service of a  
30 distress warrant issued by the director of revenue  
31 for the collection of income tax, sales tax, freight  
32 line and equipment car tax or use tax or in the ser-  
33 vice of a distress warrant issued by the director  
34 of job service for the collection of employment  
35 security contributions, the property of the taxpayer  
36 or the individual in the possession of another, or  
37 debts due ~~to~~ the taxpayer or the individual, may  
38 be reached by garnishment.

39 Sec. 30. Chapter ninety-six (96), Code 1979, is  
40 amended by adding the following new section:

41 NEW SECTION. PUBLIC SERVICE EMPLOYMENT PROGRAM.

42 1. For the purposes of this section:

43 a. "Public service employer" means a government  
44 entity, nonprofit organization as defined in section  
45 ninety-six point seven (96.7), subsection nine (9)  
46 of the Code, state-owned hospital, or state-owned  
47 institution of higher education.

48 b. "Public service employee" means an individual  
49 employed by a public service employer under the public  
50 service employment program.

1       2. The department shall establish a public service  
2 employment program by contracting with public service  
3 employers to provide public service employment of  
4 fifteen to twenty hours per week for individuals who  
5 have received fifteen or more weeks of total  
6 unemployment compensation benefits under this chapter.  
7 The program shall be headed by the director of job  
8 service. The contracts shall include but are not  
9 limited to the following provisions:  
10       a. Wages paid by the public service employer to  
11 public service employees shall be comparable to wages  
12 paid to the public service employer's regular employees  
13 for similar work.  
14       b. Public service employees shall not displace  
15 the public employer's regular employees.  
16       c. Individuals who have received fifteen or more  
17 weeks of total unemployment compensation benefits  
18 shall be eligible for the public service employment  
19 program.  
20       3. An individual who has received fifteen weeks  
21 or more of total unemployment compensation benefits  
22 may be directed by the director of the public service  
23 employment program to apply for available, suitable  
24 public service employment and, if offered, the  
25 individual shall accept the employment if so directed  
26 by the director of the public service employment  
27 program. The suitability of public service employment  
28 for an individual shall be determined by the department  
29 and the public service employer after consideration  
30 of the degree of risk involved to the individual's  
31 health, safety, and morals, the individual's physi-  
32 cal fitness and prior training, the distance of the  
33 available work from the individual's residence, and  
34 any other factor which bears a reasonable relation  
35 to the suitability of public service employment under  
36 the public service employment program.  
37       An individual may appeal the decision of the  
38 director of the public service employment program  
39 directing the individual to accept public service  
40 employment in the same manner provided for the appeal  
41 of the initial determination in section ninety-six  
42 point six (96.6), subsection two (2) of the Code.  
43       4. Notwithstanding any contrary provision of  
44 chapter eighty-five (85) or eighty-five A (85A) of  
45 the Code, the state of Iowa shall be deemed the  
46 employer of public service employees under the public  
47 service employment program for the purposes of the  
48 workers' compensation and occupational disease  
49 compensation law of this state. The state shall,  
50 if possible, acquire a policy of insurance covering

1 the liability of the state, under chapters eighty-  
2 five (85) and eighty-five A (85A) of the Code, for  
3 the compensation of individuals under the public  
4 service employment program. Benefits under chapters  
5 eighty-five (85) and eighty-five A (85A) of the Code  
6 shall be computed on the wages paid to the public  
7 service employee during that individual's base period  
8 for unemployment compensation.

9 A public service employer shall be deemed a third  
10 party for the purposes of the workers' compensation  
11 and occupational disease compensation law of this  
12 state, but shall only be liable under state statutory  
13 and common law for willful and wanton disregard of  
14 the health, safety and welfare of the public service  
15 employee.

16 5. Notwithstanding any provision of this chapter  
17 to the contrary, a contributing public service  
18 employer's rate of contribution on wages paid to the  
19 employer's public service employees shall be the rate  
20 specified in the first percentage of excess rank in  
21 the applicable contribution rate table.

22 6. Notwithstanding any provision of this chapter  
to the contrary, a public service employee's account  
shall not be credited with wages earned under the  
public service employment program.

26 7. Notwithstanding any provision of this chapter  
27 to the contrary, an individual who has received fifteen  
28 weeks or more of total unemployment compensation  
29 benefits shall receive total unemployment compensation  
30 benefits equal to one-twenty-first of the individual's  
31 wages in insured work paid during that quarter of  
32 the individual's base period in which the individual's  
33 wages were highest, subject to a maximum weekly benefit  
34 amount of sixty-two percent of the statewide average  
35 weekly wage as computed under section ninety-six point  
36 three (96.3), subsection four (4) of the Code, if  
37 the individual does any of the following:

38 a. Fails to apply for available, suitable public  
39 service employment after the director of the public  
40 service employment program directs the individual  
41 to do so.

42 b. Fails to accept suitable public service  
43 employment after the employment is offered to the  
44 individual and the director of the public service  
45 employment program directs the individual to accept  
46 the employment.

47 8. The director of the public service employment  
48 program shall submit to the general assembly of this  
state, no later than December fifteenth of each year,  
a complete report covering the administration and

Page Eighteen  
H-3775

- 1 operation of the program and detailing the number
- 2 of individuals served by the program, the number of
- 3 references to available, suitable employment, the
- 4 number of employment offers, and the number of accepted
- 5 offers of employment, and the number of individuals
- 6 whose benefits are reduced under subsection seven
- 7 (7) of this section.
- 8 Sec. 31. By renumbering certain subsections,
- 9 paragraphs, and subparagraphs of chapter ninety-six
- 10 (96) as necessary.
- 11 Sec. 32. This Act is effective July 1, 1979."

*Made into a separate  
bill for consideration  
Jan 1/9 (p. 1450)*

BY	AVENSON of Fayette	PAVICH of Pottawattamie
	WELSH of Dubuque	BINNEBOESE of Plymouth
	O'KANE of Woodbury	BRUNER of Story
	WALTER of Pottawattamie	HALL of Linn
	HORN of Linn	DAVITT of Warren
	LLOYD-JONES of Johnson	JAY of Appanoose
	COCHRAN of Webster	HOWELL of Floyd
	SHERZAN of Polk	ANDERSON of Jasper
	SPEAR of Des Moines	CONNOLLY of Dubuque
	HULLINGER of Decatur	HALVORSON of Webster
	DOYLE of Woodbury	GETTINGINGS of Wapello
	WELLS of Linn	DIELEMAN of Marion

H-3775 FILED  
APRIL 6, 1979

SENATE FILE 373

H-3771

- 1 Amend Senate File 373, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 12, by inserting after line 26 the follow-
- 4 ing:
- 5 "Sec. \_\_\_\_ . Section ninety-six point seven (96.7),
- 6 subsection three (3), paragraph d, Code 1979, is
- 7 amended by adding the following new unnumbered
- 8 paragraph after unnumbered paragraph four (4):
- 9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
- 10 other provision of this chapter, if an employer, who
- 11 employs individuals for construction as defined by
- 12 the department by rule and has fifty percent or more
- 13 of the employer's gross income derived from contracts
- 14 with the state or a political subdivision, has a
- 15 negative balance in the employer's account, then the
- 16 employer shall contribute an additional two percent
- 17 of taxable wages until the employer's negative balance
- 18 is removed and shall be subject to section thirty-
- 19 three (33) of this Act. For the purpose of this
- 20 paragraph, "negative balance" means the balance of
- 21 an employer's account in which the benefits charged
- 22 to an employer exceed the employer's contributions."
- 23 2. Renumber the sections and internal references
- 24 in conformance with this amendment.

H-3771 FILED *Placed Out of Order* BY MILLER of Buchanan  
APRIL 6, 1979 *4/12 (p. 15-33)*

SENATE FILE 373

H-3782

1 Amend the House Committee amendment, H-3713, to  
2 Senate File 373 as passed and reprinted by the  
3 Senate to read as follows:

4 1. Page 1, by striking line 19, and inserting  
5 in lieu thereof the following:

6 "2. Page 3, by striking lines 1 through 10, and  
7 inserting in lieu thereof the following:

8 "Sec. \_\_\_\_ . Section ninety-six point five (96.5),  
9 subsection one (1), Code 1979, is amended by adding  
10 the following new paragraph:

11 NEW PARAGRAPH. The individual is involved in a  
12 long-term labor dispute, at the factory, establish-  
13 ment, or other premises at which the individual was  
14 last employed, which has resulted in an election of  
15 the individual, and the individual has not been  
16 disqualified, following decertification, under  
17 section ninety-six point five (96.5), subsection  
18 three (3) of the Code, and the individual is other-  
19 wise eligible under this chapter."

H-3782 FILED *Law 1/4 (p. 1454)* BY CONNOLLY of Dubuque  
APRIL 6, 1979

SENATE FILE 373

H-3783

1 Amend Senate File 373 as passed and reprinted  
2 by the Senate as follows:

3 1. Page 6, line 30, by striking the comma and  
4 the words ", from all employers".

H-3783 FILED *Law 4/1 (p. 1520)* BY JOCHUM of Dubuque  
APRIL 6, 1979

SENATE FILE 373

H-3784

1 Amend the House Committee amendment, H-3713, to  
2 Senate File 373 as passed and reprinted by the  
3 Senate to read as follows:

4 1. Page 4, line 9, by striking the words  
5 "stoppage of work because of weather" and inserting  
6 in lieu thereof the words "a layoff which is not  
7 the fault of the employee".

H-3784 FILED *Law 4/4 (p. 1441)* BY CONNORS of Polk  
APRIL 6, 1979

1 Amend the House Committee amendment, H-3713, to  
2 Senate File 373 as passed and reprinted by the  
3 Senate to read as follows:  
4 1. Page 2, line 4, by inserting after the word  
5 "be" the word "totally".

H-3776 FILED *Blair* BY CONNORS of Polk  
APRIL 6, 1979 *4/4 (p. 1430)*

SENATE FILE 373

H-3777

1 Amend the House Committee amendment, H-3713, to  
2 Senate File 373 as passed and reprinted by the  
3 Senate to read as follows:  
4 1. Page 3, by striking lines 9 through 18 and  
5 inserting in lieu thereof the words "after the  
6 fifth week of unemployment".

H-3777 FILED *Law* BY CONNORS of Polk  
APRIL 6, 1979 *4/4 (p. 1445)*

SENATE FILE 373

H-3779

1 Amend Senate File 373 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, by striking lines 13 through 22 and  
4 inserting in lieu thereof the words:  
5 "his-er-her the individual's account with one-half  
6 of the wages for insured work paid him-er-her to  
7 the individual during his-er-her the individual's  
8 base period. Benefits paid to an eligible".

-3779 FILED *Law* BY BYERLY of Polk  
PRIL 6, 1979 *4/11 (p. 1514)*

SENATE FILE 373

H-3778

1 Amend Senate File 373, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 13, line 13, by inserting after the word  
4 "year." the following: "Notwithstanding any provision  
5 of section ninety-six point seven (96.7), subsection  
6 three (3) of the Code to the contrary, and beginning  
7 January 1, 1980, a contributing employer newly subject  
8 to this chapter shall not be required to pay  
9 contributions until the end of the calendar year in  
10 which the employer shall have had eight consecutive  
11 calendar quarters immediately preceding the computation  
12 date throughout which the employer's account has been  
13 chargeable with benefit payments, thereafter the  
14 employer's contribution rate shall be determined in  
15 accordance with the other provisions of section ninety-  
16 six point seven (96.7), subsection three (3) of the  
17 Code. Notwithstanding section ninety-six point  
18 eighteen (96.18) of the Code, the unemployment  
19 compensation trust fund shall be reimbursed out of  
20 the general fund of this state for the contributions  
21 which employers newly subject to this chapter would  
22 have been required to pay but for this paragraph."

H-3778 FILED APRIL 6 1979 *Law* BY BYERLY of Polk  
*4/12 (p. 1522)*

SENATE FILE 373

H-3788

Amend Senate File 373, as amended, passed, and reprinted by the Senate, as follows:

3 1. Page 13, line 13, by inserting after the word  
4 "year." the following: "Notwithstanding any provision  
5 of section ninety-six point seven (96.7), subsection  
6 three (3) of the Code to the contrary, and beginning  
7 January 1, 1980, a contributing employer, whose current  
8 annual payroll increases over the employer's previous  
9 annual payroll, adjusted for any increase in current  
10 taxable wages because of an increase in the statewide  
11 average annual wage, due to taxable wages paid to  
12 an increased number of employees, shall not be required  
13 to pay contributions on the increased payroll due  
14 to an increased number of employees until the end  
15 of the calendar year in which the employer shall have  
16 had eight consecutive calendar quarters immediately  
17 preceding the computation date throughout which the  
18 employer's account has been chargeable with benefit  
19 payments to the increased number of employees,  
20 thereafter the employer's contribution rate shall  
21 be determined in accordance with the other provisions  
22 of section ninety-six point seven (96.7), subsection  
23 three (3) of the Code. Notwithstanding section ninety-  
24 six point eighteen (96.18) of the Code, the  
unemployment compensation trust fund shall be  
27 reimbursed out of the general fund of this state for  
28 the contributions which employers with increased  
29 payrolls due to an increased number of employees would  
have been required to pay out for this paragraph."

BY BYERLY of Polk  
AVENSON of Fayette  
ANDERSON of Jasper  
DAVITT of Warren  
HORN of Linn

H-3788 FILED *Letter 4/12 (p. 1542)*  
APRIL 6, 1979

SENATE FILE 373

H-3786

1 Amend Senate File 373 as passed and reprinted  
2 by the Senate to read as follows:  
3 1. Page 20, by striking line 33, and inserting  
4 in lieu thereof the words "business, upon appli-  
5 cation by the appeal board, department,".  
6 2. Page 21, by striking line 1, and inserting  
7 in lieu thereof the words "such person to appear  
8 before the appeal board, department,".

H-3786 FILED *Letter 4/12 (p. 1546)* BY CONNOLLY of Dubuque  
APRIL 6, 1979

SENATE FILE 373

H-3780

1 Amend the House Committee amendment, H-3713, to  
 2 Senate File 373 as passed and reprinted by the  
 3 Senate to read as follows:  
 4 1. Page 1, by striking lines 42 through 44, and  
 5 inserting in lieu thereof the words "least six  
 6 times the individual's weekly benefit amount, as  
 7 a".

H-3780 FILED *Sen. 4/4 (p. 1457)* BY HORN of Linn  
 APRIL 6, 1979

SENATE FILE 373

H-3781

1 Amend the House Committee amendment, H-3713, to  
 2 Senate File 373 as passed and reprinted by the  
 3 Senate to read as follows:  
 4 1. Page 2, line 15, by striking the word  
 5 "consecutive".  
 6 2. Page 2, line 19, by striking the word  
 7 "consecutive".  
 8 3. Page 2, line 34, by striking the word  
 9 "consecutive".  
 10 4. Page 3, line 49, by striking the words  
 11 "consecutive weeks" and inserting the word "week".  
 12 5. Page 4, by striking the words "each and  
 13 every".  
 14 6. Page 4, by striking lines 5 through 11 and  
 15 inserting in lieu thereof "individual's wages were  
 16 highest".

H-3781 FILED *A. Jones 4/10 (p. 1484)* BY JOCHUM of Dubuque  
*B.C. - H. Johnson* KIRKENSLAGER of Des Moines  
 APRIL 6, 1979 *B. Jones 4/9 (p. 1461)*

SENATE FILE 373

H-3785

1 Amend the House Committee amendment, H-3713, to  
 2 Senate File 373 as passed and reprinted by the  
 3 Senate to read as follows:  
 4 1. Page 1, line 14, by striking the words  
 5 "fifty-percent-of" and inserting in lieu thereof  
 6 the words "thirty-three percent of".  
 7 2. Page 1, line 16, by striking the words  
 8 "fifteen-dollars" and inserting in lieu thereof the  
 9 words "twenty dollars".

H-3785 FILED *W. Brown 4/9 (p. 1450)* BY RAPP of Black Hawk  
 APRIL 6, 1979

SENATE FILE 373

H-3787

1 Amend Senate File 373 as passed and reprinted  
 2 by the Senate as follows:  
 3 1. Page 3, line 30, by striking the words "and  
 4 the employer".

H-3787 FILED *Lost 4/11 (p. 1520)* BY JOCHUM of Dubuque  
 APRIL 6, 1979

SENATE FILE 373

H-3791

1 Amend Senate File 373 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 26 the  
4 following:

5 "Sec. \_\_\_\_ . Section ninety-six point seven (96.7),  
6 subsection three (3), paragraph c, Code 1979, is  
7 amended to read as follows:

8 c. Each contributing employer's rate of  
9 contribution shall be two and seven-tenths percent  
10 except as otherwise provided in this chapter. No  
11 reduced rate of contribution shall be granted to a  
12 contributing employer until there shall have been  
13 twelve consecutive calendar quarters immediately  
14 preceding the first computation date throughout which  
15 his or her account has been chargeable with benefit  
16 payments. Provided, that with respect to the calendar  
17 year commencing January 1, 1972, and each calendar  
18 year thereafter, except as provided in paragraph "d"  
19 of this subsection, a contributing employer who has  
20 not been subject to this chapter for a sufficient  
21 period of time to meet the twelve-quarter requirement  
22 shall qualify for a computed rate of contribution  
23 if there shall have been a lesser period throughout  
24 which his or her account has been chargeable, but  
25 in no event less than eight consecutive calendar  
26 quarters immediately preceding the computation date;  
27 provided further, that with respect to the calendar  
28 years commencing January 1, ~~1972~~ and ending December  
29 ~~31, 1977~~, except as provided in paragraph "d" of this  
30 subsection 1978, each contributing employer newly  
31 subject to this chapter shall pay contributions at  
32 ~~the rate of one and five-tenths percent and beginning~~  
33 ~~January 4, 1978~~ at the rate specified in the ninth  
34 percentage of excess rank but not less than one point  
35 eight six percent on two-thirds of the employer's  
36 annual payroll and at the rate specified in the sixth  
37 percentage of excess rank but not less than one percent  
38 on one-third of the employer's annual payroll until  
39 the end of the calendar year in which the employer  
40 shall have had eight consecutive calendar quarters  
41 immediately preceding the computation date throughout  
42 which his or her account has been chargeable with  
43 benefit payments, thereafter his or her contribution  
44 rate shall be determined in accordance with paragraph  
45 "d" of this subsection."

H-3791 FILED *Done 4/12 (p. 1539)* BY BYERLY of Polk  
APRIL 6, 1979 COCHRAN of Webster  
DAVITT of Warren

SENATE FILE 373

H-3789

- 1 Amend the House Committee amendment, H-3713, to  
 2 Senate File 373 as passed and reprinted by the  
 3 Senate to read as follows:  
 4 1. Page 2, line 15, by inserting after the word  
 5 "work" the words "or equal to ten times the indi-  
 6 vidual's weekly benefit amount".  
 7 2. Page 2, line 19, by inserting after the word  
 8 "work" the words "or equal to ten times the  
 9 individual's weekly benefit amount".  
 10 3. Page 2, line 34, by inserting after the word  
 11 "work" the words "or equal to ten times the  
 12 individual's weekly benefit amount".  
 13 4. Page 2, by striking line 42, and inserting  
 14 in lieu thereof the words "training, his or her  
 15 experience and prior earnings,".

H-3789 FILED *A. L. ... 4/10 (p. 1486)* BY BYERLY of Polk  
 APRIL 6, 1979 *... 4/10 (p. 1095)*

SENATE FILE 373

H-3790

- 1 Amend Senate File 373, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, by inserting after line 26 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section ninety-six point seven (96.7),  
 6 subsection three (3), paragraph d, unnumbered paragraph  
 7 four (4), Code 1979, is amended to read as follows:  
 8 Each employer qualified for an experience rating  
 9 shall be assigned a contribution rate for each rate  
 10 year that corresponds to the employer's percentage  
 11 of excess rank in the rate table effective for the  
 12 rate year from the following rate tables. Each  
 13 employer's percentage of excess rank shall be computed  
 14 by listing all the employers by decreasing percentages  
 15 of excess, from the highest positive percentage of  
 16 excess to the highest negative percentage of excess  
 17 and grouping the employers so listed into twenty-one  
 18 separate ranks containing as nearly as possible four  
 19 point seventy-six percent of the total taxable wages,  
 20 excluding reimbursable employment wages, paid in  
 21 covered employment during the first four completed  
 22 calendar quarters immediately preceding the rate  
 23 computation date. If an employer's taxable wages  
 24 qualify the employer for two separate percentage of  
 25 excess ranks the employer shall be afforded the  
 26 percentage of excess rank assigned the lower  
 27 contribution rate. However, if the employer's taxable  
 28 wages, which qualify the employer for the percentage  
 29 of excess assigned the higher contribution rate,  
 30 exceed an amount equal to ten times the statewide  
 31 average annual wage the taxable wages shall be afforded  
 32 the percentage of excess assigned the higher  
 33 contribution rate. Employers with identical percentages  
 34 of excess shall be assigned to the same percentage  
 35 of excess rank."

H-3790 FILED *L. ... 4/10 (p. 1536)* BY AVENSON of Fayette  
 APRIL 6, 1979

SENATE FILE 373

H-3794

1 Amend House Committee amendment H-3713 to  
 2 Senate File 373 as passed and reprinted by the  
 3 Senate to read as follows:  
 4 1. Page 2, by striking lines 21 through line 31,  
 5 and inserting in lieu thereof the words "any".  
 6 the words "The department through it's division of  
 7 job placement shall, when applicablc, furnish the  
 8 claimant with the names of employers which are  
 9 seeking employees. If the work is deemed suitable,  
 10 the individual shall apply to and obtain the  
 11 signatures of the employers designated by the  
 12 department on forms provided by the department,  
 13 unless the employers refuse to sign the forms. The  
 14 claimant's failure to obtain the signatures of  
 15 designated employers, which have not refused to sign  
 16 the forms, shall disqualify the claimant from  
 17 further benefits until regualified. The department  
 18 shall report, as part of its report to the general  
 19 assembly, the number of claimants referred, employ-  
 20 er signatures obtained, disqualifications, and any  
 21 other information which the department feels is  
 22 pertinent to any recommendation the department  
 23 may make to the general assembly."

H-3794 FILED *Let 4/10 (p. 1459)* BY WELSH of Dubuque  
 APRIL 6, 1979

SENATE FILE 373

H-3795

1 Amend Senate File 373, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 24, by inserting after line 12 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section ninety-six point nineteen  
 6 (96.19), subsection twenty-one (21), Code 1979, is  
 7 amended to read as follows:  
 8 21. "Computation date". The computation date  
 9 for contribution rates shall be July-7 October first  
 10 of that calendar year preceding the calendar year  
 11 with respect to which such rates are to be effective.  
 12 ~~If the total trust funds available for payment of~~  
 13 ~~unemployment compensation benefits through April-7~~  
 14 ~~1978, is projected to fall below twenty million dol-~~  
 15 ~~lars, the director of the Iowa department of job~~  
 16 ~~service shall prepare and adopt such procedures for~~  
 17 ~~advance payment of a portion of the employer's~~  
 18 ~~unemployment contributions projected due for the first~~  
 19 ~~quarter of the calendar year beginning January-7~~  
 20 ~~1978."~~

H-3795 FILED *Let 4/12 (p. 1550)* BY JESSE of Polk  
 APRIL 6, 1979

SENATE FILE 373

H-3792

1 Amend Senate File 373 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 14, by inserting after line 4 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section ninety-six point seven (96.7),  
 6 subsection three (3), Code 1979, is amended by adding  
 7 the following new lettered paragraph:  
 8 NEW LETTERED PARAGRAPH. Notwithstanding any  
 9 provision of this chapter to the contrary, an  
 10 employer's rate of contribution shall not increase  
 11 by more than three percentage of excess ranks in the  
 12 appropriate table if the employer's account is charged  
 13 with benefit payments of less than forty times the  
 14 maximum weekly benefit amount."

BY AVENSON of Fayette  
 DAVITT of Warren  
 HALVORSON of Webster  
 PAVICH of Pottawattamie  
 COCHRAN of Webster

H-3792 FILED *Lord 4/12 (p. 1543)*  
 APRIL 6, 1979

SENATE FILE 373

H-3793

1 Amend amendment H-3713 to Senate File 373, as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 22 through 36 and  
 5 inserting in lieu thereof the following:  
 6 "4. ~~He-or-she~~ The individual has been paid wages  
 7 for insured work of not less than ~~four-hundred~~  
 8 ~~dollars~~ three times the average statewide weekly  
 9 wage in that calendar quarter in his-or-her the  
 10 individual's base period in which his-or-her the  
 11 individual's wages were the highest, and also-he-or  
 12 she the individual has been paid wages for insured  
 13 work of not less than ~~two hundred-dollars~~ times the  
 14 statewide average weekly wage in a calendar quarter  
 15 in his-or-her the individual's base period other  
 16 than the calendar quarter in which his-or-her the  
 17 individual's wages were the highest."

H-3793 FILED *Lord 4/9 (p. 1456)* BY ANDERSON of Jasper  
 APRIL 6, 1979

H-3797

1 Amend Senate File 373 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting after line 22 the  
4 following:

5 "Sec. \_\_\_\_ . Section ninety-six point nineteen  
6 (96.19), subsection one (1), Code 1979, is amended  
7 to read as follows:

8 1. "Annual payroll" The term "annual payroll"  
9 as used in subsection 3 "d" of section 96.7 means  
10 the total amount of taxable wages paid by an employer  
11 for insured work during the period of four consecutive  
12 calendar quarters ending on June 30 of each year,  
13 and the term "average annual payroll" as used in said  
14 subsection means the average of the "annual payrolls"  
15 of an employer for the last three periods of four  
16 consecutive calendar quarters immediately preceding  
17 the computation date. Except that for an employer  
18 who qualifies on any computation date for a computed  
19 rate on the basis of less than twelve consecutive  
20 calendar quarters of chargeability immediately  
21 preceding the computation date, the term average  
22 annual payroll shall be the average of the annual  
23 payrolls for the last two periods of four consecutive  
24 calendar quarters immediately preceding the computation  
25 date. However, if an employer's current annual payroll  
26 increases over the employer's previous annual payroll,  
27 adjusted for any increase in current taxable wages  
28 due to an increase in the statewide average annual  
29 wage, and the payroll increase is due to taxable wages  
30 paid to an increased number of employees, that increase  
31 shall only be included in the current annual payroll  
32 to the extent the increase does not exceed ten percent  
33 of the employer's most recent average annual payroll.  
34 The limitation of an increase in the current annual payroll  
35 shall only be calculated upon application by the  
36 employer to the department."

H-3797 FILED *Lost 4/11 (p. 1548)*  
APRIL 6, 1979

BY COCHRAN of Webster  
GETTINGS of Wappello  
PAVICH of Pottawattamie

## SENATE FILE 373

H-3799

1 Amend Senate File 373, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 22, by inserting after the  
4 word "period." the following:

5 "Provided further if the unemployment rate of a  
6 county exceeds the national average unemployment rate  
7 the governor may declare that county as well as  
8 other counties an economically imoacted area  
9 and extend the maximum benefits payable not to  
10 exceed thirty-nine weeks for individuals residing in  
11 or working in that county or counties. The individuals  
12 so affected shall also be credited with one-half,  
13 instead of one-third, of wages for insured work paid  
14 the individual during the individual's base period."

H-3799 FILED *Lost 4/11 (p. 1519)*  
APRIL 6, 1979

BY HOWELL of Floyd  
JOCHUM of Dubuque  
CONNORS of Polk

APRIL 9, 1979

PAGE FIFTEEN

SENATE FILE 373

H-3798

1 Amend Senate File 373 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 21, by inserting after line 25 the  
4 following:  
5 "Sec. \_\_\_\_ . Section ninety-six point fourteen  
6 (96.14), subsection five (5), Code 1979, is amended  
7 by adding the following new unnumbered paragraph:  
8 "NEW UNNUMBERED PARAGRAPH. For the purposes of  
9 this subsection "contributions or interest thereon  
10 which have been erroneously paid" shall include fifty  
11 percent of the temporary emergency tax paid by  
12 employers during calendar year 1976 pursuant to section  
13 ninety-six point seven (96.7), subsection fifteen  
14 (15) of the Code and fifty percent of the additional  
15 tax paid by employers during calendar year 1977  
16 pursuant to section ninety-six point seven (96.7),  
17 subsection sixteen (16) of the Code. An employer  
18 who has paid the temporary emergency tax or the  
19 additional tax shall be entitled to the fifty percent  
20 refund and may elect either to receive the refund  
21 or to have the refund credited to the employer's  
22 account."

H-3798 FILED *Law 4/12 (p. 1547)* BY AVENSON of Fayette  
APRIL 6, 1979

SENATE FILE 373

H-3796

1 Amend Senate File 373, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 12, line 11, by inserting after the word  
4 "Code." the words "However, a succeeding employer's  
5 account shall not be charged with benefits due to  
6 a transfer of wages from a previous employer's ac-  
7 count to the succeeding employer's account if the  
8 transferred benefit charges would reduce the  
9 employer's percentage of excess by more than four  
10 one-thousandths. Such benefits shall not be charged  
11 to any employer's account."

H-3796 FILED *Law 4/12 (p. 1531)* BY AVENSON of Fayette  
APRIL 6, 1979 DAVITT of Warren  
HALVORSON of Webster  
PAVICH of Pottawattamie  
COCHRAN of Webster

SENATE FILE 373

H-3804

Amend the Avenson amendment, H-3775, to Senate File 373, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by striking lines 26 through 30 and inserting in lieu thereof the following:

"Sec. 4. Section ninety-six point five (96.5), subsection two (2), paragraphs a and b, Code 1979, are amended to read as follows:

a. ~~He-er-she~~ The individual shall forfeit one to ~~nine~~ seven weeks benefits for simple misconduct. Simple misconduct may include but it not limited to the following types of offenses: tardiness, absenteeism, use of profanity, loafing, insubordination, violation of a known company rule, failure to follow instructions, and unsatisfactory performance of duties.

b. The individual shall forfeit eight to fourteen weeks benefits for serious misconduct. Serious misconduct may include but is not limited to the following types of offenses: intoxication, chargeable accident, serious damage to property, fighting on the premises, insubordination, and falsification of the application of hire.

In lieu of the fourteen weeks forfeiture of benefits the department may require the individuals, after being disqualified for benefits under this paragraph, to requalify for benefits.

b c. Provided further, if gross misconduct is established, ~~he-er-she~~ the individual shall forfeit from ten ~~fourteen~~ weeks benefits to the maximum amount payable in ~~his-er-his~~ the individual's current benefit period. The individual shall also forfeit the wage credits attributable to the employer from which the individual was discharged. The department may also require the individual to requalify for benefits."

H-3804 FILED *Place in front of* BY AVENSON of Fayette  
APRIL 6, 1979 *order 4/9 (p. 1450)*

SENATE FILE 373

H-3807

1 Amend Senate File 373 as passed and reprinted  
2 by the Senate as follows:

3 1. Page 12, line 6, by inserting after the  
4 word "work" the following: "when directed by the  
5 employment office or the department".

-3807 FILED *Lo-4 4/11 (p. 1524)* BY JOCHUM of Dubuque  
APRIL 6, 1979

SENATE FILE 373

H-3800

- 1 Amend Senate File 373, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 19, by inserting after the word  
 4 "employed," the words "or due to the individual's  
 5 employer permanently discontinuing the entire business,  
 6 or a portion of the business through a mass separation  
 7 from employment,".  
 8 2. Page 2, line 31, by inserting after the word  
 9 "employed," the words "or due to the individual's  
 10 employer permanently discontinuing the entire business,  
 11 or a portion of the business through a mass separation  
 12 from employment,".  
 13 3. Page 2, line 35, by inserting after the word  
 14 "account." the words "For the purposes of this  
 15 subsection, a permanent discontinuation of the entire  
 16 business or a portion of the business shall not include  
 17 seasonal fluctuations in employment."

H-3800 FILED *Law 4/11 (p. 1516)* BY JOCHUM of Dubuque  
 APRIL 6, 1979

SENATE FILE 373

H-3803

- 1 Amend Senate File 373, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, line 32, by striking the words and  
 4 figures "years 1978 and" and inserting in lieu there-  
 5 of the words and figures "years-1978-and year".  
 6 2. Page 13, line 6, by striking the word "four"  
 7 and inserting in lieu thereof the words "four  
 8 three".

H-3803 FILED *M/S Brown 4/12 (p. 1534)* BY AVENSON of Fayette  
 APRIL 6, 1979

SENATE FILE 373

H-3802

- 1 Amend Senate File 373 as passed, and reprinted  
 2 by the Senate to read as follows:  
 3 1. Page 7, line 13, by inserting after the  
 4 word "her" the words "that individual".

H-3802 FILED *Adopted 4/11 (p. 1520)* BY JESSE of Polk  
 APRIL 6, 1979

SENATE FILE 373

H-3801

- 1 Amend Senate File 373 as passed, and reprinted  
 2 by the Senate to read as follows:  
 3 1. Page 2, by striking lines 2 through 35.

H-3801 FILED *Law 4/11 (p. 1511)* BY JOCHUM of Dubuque  
 APRIL 6, 1979 JESSE of Polk

SENATE FILE 373

3806

Amend the House Committee amendment, H-3713, to Senate File 373, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by striking lines 17 through 19 and inserting in lieu thereof the following:

"6. Page 6, by striking lines 7 through 30 and inserting in lieu thereof the following:

"a. ~~He-er-she~~ The individual shall forfeit one to ~~nine~~ seven weeks benefits for simple misconduct. Simple misconduct may include but it not limited to the following types of offenses: tardiness, absenteeism, use of profanity, loafing, insubordination, violation of a known company rule, failure to follow instructions, and unsatisfactory performance of duties.

b. The individual shall forfeit eight to fourteen weeks benefits for serious misconduct. Serious misconduct may include but is not limited to the following types of offenses: intoxication, chargeable accident, serious damage to property, fighting on the premises, insubordination, and falsification of the application of hire.

In lieu of the fourteen weeks forfeiture of benefits the department may require the individuals, after being disqualified for benefits under this paragraph, to requalify for benefits.

b c. Provided further, if gross misconduct is established, ~~he-er-she~~ the individual shall forfeit from ~~ten~~ fourteen weeks benefits to the maximum amount payable in ~~his-er-her~~ the individual's current benefit period. The individual shall also forfeit the wage credits attributable to the employer from which the individual was discharged. The department may also require the individual to requalify for benefits."

H-3806 FILED *Filed now germane* BY JESSE of Polk  
APRIL 6, 1979 *Challenged (amendment 4/10/79, 491-2)* ANDERSON of Jasper  
BRANDT of Black Hawk

SENATE FILE 373

H-3808

Amend Senate File 373 as passed, and reprinted by the Senate as follows:

1. Page 2, line 13, by striking the word "one-third" and inserting in lieu thereof the word "two-fifths".

2. Page 2, line 20, by striking the word "one-third" and inserting in lieu thereof the word "two-fifths".

H-3808 FILED *Lost 4/11 (p 1515)* BY ANDERSON of Jasper  
APRIL 6, 1979

SENATE FILE 373

H-3805

1 Amend the House Committee amendment, H-3713, to  
2 Senate File 373, as amended, passed, and reprinted  
3 by the Senate, as follows:

4 1. Page 3, by striking lines 22 through 24 and  
5 inserting in lieu thereof the following:

6 "11. Page 18, lines 16 and 17, by striking the  
7 words "determinations made" and inserting in lieu  
8 thereof the words and figures "initial determinations  
9 made by the department's representative under section  
10 ninety-six point six (96.6), subsection two (2) of  
11 the Code"."

12 2. Page 3, by striking lines 25 through 27, and  
13 inserting in lieu thereof the following:

14 "12. Page 18, line 30, by striking the word  
15 "determinations" and inserting in lieu thereof the  
16 words and figures "initial determinations made by  
17 the department's representative under section ninety-  
18 six point six (96.6), subsection two (2) of the Code"."

19 3. Page 3, by striking lines 34 through 36 and  
20 inserting in lieu thereof the following:

21 "14. Page 19, line 8, by striking the word  
22 "determinations" and inserting in lieu thereof the  
23 words and figures "initial determinations made by  
24 the department's representative under section ninety-  
25 six point six (96.6), subsection two (2) of the Code"."

H-3805 FILED APRIL 6, 1979  
*Adopted 4/11 (p. 1508)*

BY JESSE OF POLK

SENATE FILE 373

H-3811

- 1 Amend the House Committee amendment, H-3713
- 2 to Senate File 373 as passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 13, by inserting after the
- 5 word "less" the words "sixty-six and two-thirds
- 6 percent of".
- 7 2. Page 1, lines 16 and 17, by striking the
- 8 words "one-fourth of the individual's weekly
- 9 benefit amount" and inserting in lieu thereof the
- 10 words "twenty dollars".

H-3811 FILED *Law 4/9 (p. 1454)* BY RAPP of Black Hawk  
APRIL 9, 1979  
LOST

SENATE FILE 373

H-3813

- 1 Amend the House Committee amendment, H-3713,
- 2 to Senate File 373, as passed, and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 4, by striking lines 3 through 5 and
- 5 inserting in lieu thereof the words "of the
- 6 statewide average weekly wage. However, the".

H-3813 FILED BY AVENSON of Fayette  
APRIL 9, 1979  
WITHDRAWN *p. 1457*

SENATE FILE 373

H-3814

- 1 Amend the Kirkenslager amendment, H-3641, to Senate
- 2 File 373, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. By striking lines 2 through 27 and inserting
- 5 in lieu thereof the following:
- 6 1. By striking page 1, line 1 through page 2, line 1.

H-3814 FILED *W/Drawn 4/10 (p. 1509)* BY MILLER of Buchanan  
APRIL 9, 1979

SENATE FILE 373

H-3830

- 1 Amend the committee amendment H-3713, to Senate
- 2 File 373, as passed by the Senate and reprinted,
- 3 as follows:
- 4 1. Page 4, line 10, by inserting after the
- 5 word "weather" the following: "or temporary
- 6 unemployment as defined in section ninety-six point
- 7 nineteen (96.19), subsection nine (9), paragraph c,
- 8 of the Code".

H-3830 FILED *Motion to suspend Rules for consideration filed 4/10 (p. 1453)* BY PERKINS of Greene  
APRIL 10, 1979

SENATE FILE 373

H-3902

- 1 Amend amendment H-3798, to page 21 of Senate  
2 File 373, as passed by the Senate and reprinted, as  
3 follows:  
4 1. Page 1, line 12, by inserting after the  
5 word "employers" the words "who have a percent of  
6 excess of seven point five (7.5) percent or greater".  
7 2. Page 1, line 15, by inserting after the  
8 word "employers" the words "who have a percent of  
9 excess of seven point five (7.5) percent or greater".  
10 3. Page 1, line 17, by inserting after the  
11 word "employer" the words "who had a percent of  
12 excess of seven point five (7.5) percent or greater  
13 and".

H-3902 FILED  
APRIL 12, 1979

BY AVENSON of Fayette

ADOPTED BY UNANIMOUS CONSENT (p. 1544)

SENATE CLIP SHEET

APRIL 18, 1979

HOUSE AMENDMENT TO SENATE FILE 373

S-3499

1 Amend Senate File 373, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Sec. \_\_\_\_\_. Section ninety-six point three (96.3),  
6 subsection three (3), Code 1979, is amended to read  
7 as follows:

8 3. PARTIAL UNEMPLOYMENT. Each An individual who  
9 is partially unemployed in any week as defined in  
10 section 96.19, subsection 9, paragraph "b", and who  
11 meets the conditions of eligibility for benefits shall  
12 be paid with respect to ~~such~~ that week an amount equal  
13 to ~~that~~ the individual's weekly benefit amount less  
14 ~~fifty-percent-of~~ that part of wages payable to ~~him~~  
15 ~~er-her~~ the individual with respect to ~~such~~ that week  
16 in excess of ~~fifteen-dollars~~ one-fourth of the  
17 individual's weekly benefit amount. Such benefits  
18 shall be rounded to the higher multiple of one dollar."

19 2. Page 3, by striking lines 1 through 10.

20 3. Page 3, by inserting after line 22 the follow-  
ing:

21 "If the department cannot recover an overpayment  
22 after two years from the last date of the overpayment  
23 the charge for the overpayment against the employer's  
24 account shall be removed and the account shall be  
25 credited with an amount equal to the overpayment from  
26 the unemployment compensation trust fund."

28 4. Page 4, by striking lines 10 through 23 and  
29 inserting in lieu thereof the following:

30 "4. ~~He-er-she~~ The individual has been paid wages  
31 for insured work during the individual's base period  
32 in an amount at least one and one-half times the wages  
33 paid to the individual during that quarter of the  
34 individual's base period in which the individual's  
35 wages were highest; provided that the individual has  
36 been paid wages for insured work of not less than  
37 four hundred dollars in that calendar quarter in his  
38 er-her the individual's base period in which his-er  
39 her the individual's wages were the highest, and also  
40 he-er-she the individual has been paid wages for  
41 insured work of not less than two hundred dollars  
42 in a calendar quarter in his-er-her the individual's  
43 base period other than the calendar quarter in which  
44 his-er-her the individual's wages were the highest;  
45 and-provided-further-if-he-er-she.

46 If the individual has drawn benefits in any benefit  
47 year, he-er-she the individual must during or  
48 subsequent to that year, work in and be paid wages  
49 in for insured work totaling two-hundred-dollars at  
50 least six times the individual's average weekly wage,

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PAGE 2

1 during that quarter of the individual's base period  
2 in which the individual's wages were highest, as a  
3 condition to receive benefits in the next benefit  
4 year."

5 5. Page 5, by striking lines 33 and 34 and  
6 inserting in lieu thereof the words "for not less  
7 than six consecutive weeks of work, provided he-  
8 or she".

9 6. Page 6, by striking line 10 and inserting in  
10 lieu thereof the words "work for not less than six  
11 consecutive weeks of work".

12 7. Page 7, line 13, by inserting after the word  
13 "her" the words "that individual".

14 8. Page 7, line 14, by inserting after the word  
15 "any." the words "The department in cooperation with  
16 the employment office shall, if possible, furnish  
17 the individual with the names of employers which are  
18 seeking employees. The individual shall apply to  
19 and obtain the signatures of the employers designated  
20 by the department on forms provided by the department,  
21 unless the employers refuse to sign the forms. The  
22 individual's failure to obtain the signatures of  
23 designated employers, which have not refused to sign  
24 the forms, shall disqualify the individual from further  
25 benefits until requalified."

26 9. Page 7, by striking line 17 and inserting in  
27 lieu thereof the words "work for not less than six  
28 consecutive weeks of work".

29 10. By striking page 7, line 19 through page 8,  
30 line 4 and inserting in lieu thereof the following:

31 "a. In determining whether or not any work is  
32 suitable for an individual, the department shall  
33 consider the degree of risk involved to his-  
34 or-her the individual's health, safety, and morals, his-  
35 or-her the individual's physical fitness and, prior  
36 training, his-  
37 or-her experience and prior earnings,  
38 his-  
39 or-her length of unemployment, and prospects for  
40 securing local work in his-  
41 or-her the individual's  
42 customary occupation, and the distance of the available  
43 work from his-  
44 or-her the individual's residence, and  
45 any other factor which ~~it~~ the department finds bears  
46 a reasonable relation to the purposes of this  
47 subsection paragraph. Work is suitable if the work  
48 meets all the other criteria of this paragraph and  
49 if the gross weekly wages for the work equal or exceed  
50 the following percentages of the individual's average  
weekly wage for insured work paid to the individual  
during that quarter of the individual's base period  
in which the individual's wages were highest:

(1) One hundred percent, if the work is offered

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PAGE 3

- 1 during the first five weeks of unemployment.  
2 (2) Seventy-five percent, if the work is offered  
3 during the sixth through the twelfth week of  
4 unemployment.  
5 (3) Seventy percent, if the work is offered during  
6 the thirteenth through the eighteenth week of  
7 unemployment.  
8 (4) Sixty-five percent, if the work is offered  
9 after the eighteenth week of unemployment.  
10 However, the provisions of this paragraph shall not  
11 require an individual to accept employment below the  
12 federal minimum wage."  
13 11. Page 8, line 23, by inserting after the word  
14 "notice" the words "separation allowance, severance  
15 pay or dismissal pay".  
16 12. Page 18, lines 16 and 17, by striking the  
17 words "determinations made" and inserting in lieu  
18 thereof the words and figures "initial determinations  
19 made by the department's representative under section  
20 ninety-six point six (96.6), subsection two (2) of  
21 the Code".  
22 13. Page 18, line 30, by striking the word  
23 "determinations" and inserting in lieu thereof the  
24 words and figures "initial determinations made by  
25 the department's representative under section ninety-  
26 six point six (96.6), subsection two (2) of the Code".  
27 14. Page 18, by striking lines 31 through 33 and  
28 inserting in lieu thereof the words "not be used in  
29 any action or proceeding except in a contested case  
30 proceeding or judicial review under the provisions  
31 of chapter seventeen A (17A) of the Code. Information  
32 in the department's".  
33 15. Page 19, line 8, by striking the word  
34 "determinations" and inserting in lieu thereof the  
35 words and figures "initial determinations made by  
36 the department's representative under section ninety-  
37 six point six (96.6), subsection two (2) of the Code".  
38 16. Page 24, by striking lines 8 through 12 and  
39 inserting in lieu thereof the following:  
40 "Sec. 30. Section ninety-six point nineteen  
41 (96.19), subsection twelve (12), Code 1979, is amended  
42 by adding the following new paragraph:  
43 NEW PARAGRAPH. e. A separation allowance,  
44 severance pay or dismissal pay."  
45 17. Page 25, by inserting after line 5 the  
46 following:  
47 "Sec. \_\_\_\_\_. Section ninety-six point nineteen  
48 (96.19), Code 1979, is amended by adding the following  
49 new subsection:  
50 NEW SUBSECTION. "Consecutive weeks of work" means

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PAGE 4

1 a period of time in which an individual works and  
2 is paid wages for insured work for each and every  
3 week in the period equal to or exceeding fifty percent  
4 of the individual's average weekly wage during that  
5 quarter of the individual's base period in which the  
6 individual's wages were highest. However, the  
7 requirement that the weeks be consecutive shall be  
8 waived for a week in which the individual does not  
9 earn the required amount of wages due to illness,  
10 excused absence, or a stoppage of work because of  
11 weather, but the week shall not be counted as one  
12 of the required consecutive weeks."

13 18. Amend the title by striking lines 3 through  
14 7 and inserting in lieu thereof the following: "for  
15 eligibility for benefits, by recomputing partial  
16 benefits, by recomputing individual weekly benefit  
17 amounts and maximum benefits as a percentage of the  
18 statewide average weekly wage to vary with the number  
19 of dependents, by reducing certain benefits from  
20 thirty-nine to twenty-six weeks, by reducing the  
21 percentage of wages credited to an individual's  
22 account, by providing thirty-nine weeks of benefits  
23 and a greater percentage of wage credits to individuals  
24 laid off due to an employer going out of business,  
25 by mandating contribution rate table three for fiscal  
26 years 1980 and 1981, by exempting severance pay from  
27 employer taxation,".

28 19. Amend the title by striking lines 17 and 18  
29 and inserting in lieu thereof the words "liability  
30 determinations, by establishing rates of contribution  
31 for government contributing employers, by allowing  
32 government employers to elect reimbursable or  
33 contributing status for a one-year period, by  
34 recomputing certain".

S-3499 FILED  
APRIL 17, 1979

RECEIVED FROM THE HOUSE

*Senate record amended by  
2637 4/26 (p. 1432)*

SENATE FILE 373

3637

1 Amend the House amendment, S-3499, to Senate File  
2 373, as amended, passed and reprinted by the Senate,  
3 as follows:

A 4 1. Page 1, by inserting after line 18 the following:  
5 " . Page 1, line 29, by inserting after the  
6 word "dollar." the words "However, until such time as  
7 fifty-eight percent of the statewide average weekly wage  
8 exceeds one hundred thirty-three dollars, an individual  
9 with zero or one dependent who would be entitled to the  
10 maximum weekly benefit amount if the individual's  
11 weekly benefit amount were computed by using one-twenty-  
12 first of the individual's high quarter wages, subject  
13 to a maximum percentage of sixty-two percent of the  
14 statewide average weekly wage, the individual shall  
15 receive the maximum weekly benefit amount of sixty-two  
16 percent of the statewide average weekly wage."

C 17 2. Page 1, line 32, by striking the word "one-half"  
18 and inserting in lieu thereof the word "one-quarter".

B 19 3. By striking page 1, line 30 through page 2,  
20 line 2 and inserting in lieu thereof the words "least  
21 ten times the weekly benefit amount, as a".

22 4. Page 2, by striking lines 5 through 8.

23 5. Page 2, by striking lines 9 through 11 and  
24 inserting in lieu thereof the following:

C 25 "6. Page 6, by striking lines 11 through 25 and  
26 inserting in lieu thereof the words "provided the  
27 individual is otherwise eligible."

28 6. Page 2, by striking lines 26 through 28.

29 7. Page 3, by inserting after line 15 the following:

30 " . Page 11, line 35, by inserting after the  
31 words "paragraph "g"." the words "However, the succeeding  
32 employer's account shall first be charged with benefit  
33 payments to the individual due to wage credits earned  
34 by the individual while employed by the succeeding  
35 employer. After exhausting those wage credits, the  
36 succeeding employer's account shall not be charged  
37 with ten weeks of benefit payments to the individual  
38 due to wage credits earned by the individual from a  
39 previous employer, but rather the unemployment compensa-  
40 tion trust fund shall be charged. After exhausting  
41 the ten weeks of noncharging, the succeeding employer's  
42 account shall again be charged with benefit payments."

43 . Page 12, line 11, by inserting after the word  
44 "Code." the following:

45 "However, with respect to a succeeding employer who  
46 employs an individual who has been discharged for mis-  
47 conduct by a previous employer, the succeeding employer's  
48 account shall first be charged with benefit payments to  
49 the individual due to wage credits earned by the individual  
50 while employed by the succeeding employer. After

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PAGE 2

1 exhausting those wage credits, the succeeding employer's  
2 account shall not be charged with ten weeks of benefit  
3 payments to the individual due to wage credits earned  
4 by the individual from a previous employer, but rather  
5 the unemployment compensation trust fund shall be  
6 charged. After exhausting the ten weeks of noncharging,  
7 the succeeding employer's account shall again be  
8 charged with benefit payments."  
9 8. By striking page 3, line 45 through page 4,  
10 line 12.

BY RAY TAYLOR  
CLOYD E. ROBINSON  
RICHARD F. DRAKE  
ROBERT M. CARR

S-3637 FILED  
APRIL 26, 1979  
DIVISIONS A, B, C ADOPTED (p. 1430)

SENATE FILE 373

S-3639

1 Amend the House amendment S-3499, to Senate File  
2 373, as amended, passed and reprinted by the Senate,  
3 as follows:

- A 4 1. Page 1, by striking lines 3 through 18.  
B 5 2. Page 1, by striking line 19.

S-3639 FILED  
APRIL 26, 1979  
DIVISIONS A & B - LOST (p. 1431)

BY WILLIAM D. PALMER

SENATE FILE 373

S-3640

1 Amend the House Amendment S-3499 to Senate File  
2 373 as amended, passed and reprinted by the Senate as  
3 follows:

- 4 1. Page 2, line 36, by striking the word  
5 "experience" and inserting in lieu thereof the  
6 word and figure "experience\_".

S-3640 FILED & LOST (p. 1432)  
APRIL 26, 1979

BY ARTHUR A. SMALL, JR.

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 373

-4182

1 Amend the house amendment, S-3499, to Senate File  
2 373, as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 1, by inserting after line 18 the following:

5 " Page 1, line 29, by inserting after the  
6 word "dollar." the words "However, until such time as  
7 fifty-eight percent of the statewide average weekly wage  
8 exceeds one hundred thirty-three dollars, an individual  
9 with zero or one dependent who would be entitled to the  
10 maximum weekly benefit amount if the individual's  
11 weekly benefit amount were computed by using one-twenty-  
12 first of the individual's high quarter wages, subject  
13 to a maximum percentage of sixty-two percent of the  
14 statewide average weekly wage, the individual shall  
15 receive the maximum weekly benefit amount of sixty-two  
16 percent of the statewide average weekly wage."

17 2. Page 1, line 32, by striking the word "one-half"  
18 and inserting in lieu thereof the word "one-quarter".

19 3. By striking page 1, line 50 through page 2,  
20 line 2 and inserting in lieu thereof the words "least  
21 ten times the weekly benefit amount, as a".

22 4. Page 2, by striking lines 5 through 8.

23 5. Page 2, by striking lines 9 through 11 and  
24 inserting in lieu thereof the following:

25 "6. Page 6, by striking lines 11 through 25 and  
26 inserting in lieu thereof the words "provided the  
27 individual is otherwise eligible."

28 6. Page 2, by striking lines 26 through 28.

29 7. Page 3, by inserting after line 15 the following:

30 " Page 11, line 35, by inserting after the  
31 words "paragraph "g"." the words "However, the succeeding  
32 employer's account shall first be charged with benefit  
33 payments to the individual due to wage credits earned  
34 by the individual while employed by the succeeding  
35 employer. After exhausting those wage credits, the  
36 succeeding employer's account shall not be charged  
37 with ten weeks of benefit payments to the individual  
38 due to wage credits earned by the individual from a  
39 previous employer, but rather the unemployment compensa-  
40 tion trust fund shall be charged. After exhausting  
41 the ten weeks of noncharging, the succeeding employer's  
42 account shall again be charged with benefit payments."

43 Page 12, line 11, by inserting after the word  
44 "Code." the following:

45 "However, with respect to a succeeding employer who  
46 employs an individual who has been discharged for mis-  
47 conduct by a previous employer, the succeeding employer's  
48 account shall first be charged with benefit payments to  
49 the individual due to wage credits earned by the individual  
50 while employed by the succeeding employer. After

MAY 1, 1979  
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1 exhausting those wage credits, the succeeding employer's  
2 account shall not be charged with ten weeks of benefit  
3 payments to the individual due to wage credits earned  
4 by the individual from a previous employer, but rather  
5 the unemployment compensation trust fund shall be  
6 charged. After exhausting the ten weeks of noncharging,  
7 the succeeding employer's account shall again be  
8 charged with benefit payments."  
9 8. By striking page 3, line 45 through page 4,  
10 line 12.

H-4182 FILED  
APRIL 30, 1979

RECEIVED FROM THE SENATE

*Have concurred 5/9 (p 221)*

SENATE FILE 373

AN ACT

RELATING TO UNEMPLOYMENT COMPENSATION BY LIMITING BENEFITS THROUGH REQUIRING A ONE-WEEK WAITING PERIOD FOR ELIGIBILITY FOR BENEFITS, BY RECOMPUTING PARTIAL BENEFITS, BY RECOMPUTING INDIVIDUAL WEEKLY BENEFIT AMOUNTS AND MAXIMUM BENEFITS AS A PERCENTAGE OF THE STATEWIDE AVERAGE WEEKLY WAGE TO VARY WITH THE NUMBER OF DEPENDENTS, BY REDUCING CERTAIN BENEFITS FROM THIRTY-NINE TO TWENTY-SIX WEEKS, BY REDUCING THE PERCENTAGE OF WAGES CREDITED TO AN INDIVIDUAL'S ACCOUNT, BY PROVIDING THIRTY-NINE WEEKS OF BENEFITS AND A GREATER PERCENTAGE OF WAGE CREDITS TO INDIVIDUALS LAID OFF DUE TO AN EMPLOYER GOING OUT OF BUSINESS, BY MANDATING CONTRIBUTION RATE TABLE THREE FOR FISCAL YEARS 1980 AND 1981, BY EXEMPTING SEVERANCE PAY FROM EMPLOYER TAXATION,

BY PROVIDING FOR THE RECOVERY OF OVERPAYMENTS, BACK PAY, CERTAIN BENEFITS, AND FUNDS DUE FROM GOVERNMENT ENTITIES, BY DENYING BENEFITS DURING PAID SABBATICAL LEAVE, BY OFFSETTING BENEFITS WITH SEVERANCE PAY, GOVERNMENTAL RETIREMENT PAY AND BACK PAY, BY MODIFYING THE ATTACHMENT AND REATTACHMENT TO-THE-WORK-FORCE REQUIREMENTS AND CERTAIN DISQUALIFICATION AND REQUALIFICATION REQUIREMENTS FOR VOLUNTARY QUILTS, MISCONDUCT, AND FAILURE TO ACCEPT SUITABLE WORK, BY ESTABLISHING PROCEDURES FOR EMPLOYER LIABILITY DETERMINATIONS, BY ESTABLISHING RATES OF CONTRIBUTION FOR GOVERNMENT CONTRIBUTING EMPLOYERS, BY ALLOWING GOVERNMENT EMPLOYERS TO ELECT REIMBURSABLE OR CONTRIBUTING STATUS FOR A ONE-YEAR PERIOD, BY RECOMPUTING CERTAIN CHARGES AGAINST EMPLOYER ACCOUNTS AND RATES OF CONTRIBUTION WHEN EMPLOYER REPORTS ARE DELINQUENT, BY EXTENDING THE APPEAL PERIOD FOR PROTESTING EMPLOYERS AND THE PERIOD FOR TRANSMISSION OF THE JOB SERVICE RECORD TO A REVIEWING COURT, BY CLARIFYING THE CONFIDENTIALITY OF JOB SERVICE INFORMATION AND THE JOB SERVICE SUBPOENA AND GARNISHMENT POWERS, BY ALLOWING CERTAIN VACATION PAY TO OFFSET BENEFITS, BY MAKING TECHNICAL CORRECTIONS TO CHAPTER NINETY-SIX (96) OF THE CODE, AND BY MAKING CERTAIN PENALTIES CONSISTENT WITH THE CRIMINAL CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section ninety-six point three (96.3), subsection three (3), Code 1979, is amended to read as follows:

3. PARTIAL UNEMPLOYMENT. Each An individual who is partially unemployed in any week as defined in section 96.19, subsection 9, paragraph "b", and who meets the conditions of eligibility for benefits shall be paid with respect to such that week an amount equal to that the individual's weekly benefit amount less  ~~fifty-percent-of~~ that part of wages payable to ~~him-or-her~~ the individual with respect to such that week in excess of  ~~fifteen-dollars~~ one-fourth of the individual's weekly benefit amount. Such benefits shall be rounded to the higher multiple of one dollar.

Sec. 2. Section ninety-six point three (96.3), subsection four (4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

With respect to benefit years beginning on or after July 1, 1975 [1979], an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to ~~one-twentieth-of-his-or-her~~ the following fractions of the individual's total wages in insured work paid during that quarter of his-or-her the individual's base period in which such total wages were highest, subject to the following limitation: The the director shall determine annually a maximum weekly benefit amount ~~by computing sixty-six-and-two-thirds-percent~~ equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July:

<u>If the number of dependents is:</u>	<u>The weekly benefit amount shall equal</u>	<u>subject to the following maximum percentage of the following fraction of high quarter wages:</u>	<u>the statewide average weekly wage:</u>
0	1/23	58%	
1	1/22	60%	
2	1/21	62%	
3	1/20	65%	
4 or more	1/19	70%	

~~Such~~ The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the higher multiple of one dollar. ~~However, until such time as fifty-eight percent of the statewide average weekly wage exceeds one hundred thirty-three dollars, an individual with zero or one dependent who would be entitled to the maximum weekly benefit amount if the individual's weekly benefit amount were computed by using one-twenty-first of the individual's high quarter wages, subject to a maximum percentage of sixty-two percent of the statewide average weekly wage, the individual shall receive the maximum weekly benefit amount of sixty-two percent of~~

the statewide average weekly wage. As used in this section "dependent" means dependent as defined in section four hundred twenty-two point twelve (422.12), subsection one (1), paragraph c of the Code, as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Sec. 3. Section ninety-six point three (96.3), subsection five (5), Code 1979, is amended to read as follows:

5. DURATION OF BENEFITS. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed the total of the wage credits accrued to ~~his-or-her~~ the individual's account during his-or-her the individual's base period, or twenty-six times his-or-her the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting ~~his-or-her~~ the individual's account with one-half one-third of the wages for insured work paid his-or-her to the individual during his-or-her the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in his-or-her the individual's account which have not been previously charged hereunder, in the inverse chronological order as the wages on which such wage credits are based were paid. However if the state and national "off indicators" are in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the

individual was last employed, the maximum benefits payable shall be extended to thirty-nine times ~~his-or-her~~ the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to ~~his-or-her~~ the individual's account.

Sec. 4. Section ninety-six point three (96.3), subsection seven (7), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department cannot recover an overpayment after two years from the last date of the overpayment the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund.

Sec. 5. Section ninety-six point three (96.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. BACK PAY. If an individual receives benefits for a period of unemployment and subsequently receives a payment for the same period from the individual's employer in the form of or in lieu of back pay, the benefits shall be recovered. The department, in its discretion, may reach an agreement with the individual and the employer to allow the employer to deduct the amount of the benefits from the back pay and remit a sum equal to that amount to the unemployment compensation fund and the balance to the individual, or may recover the amount of the benefits either by having a sum equal to that amount deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to that amount. If an

agreement is reached to allow the employer to deduct the amount of benefits from the back pay and remit that amount to the fund, the department shall not charge that amount to the employer's account under section ninety-six point seven (96.7) of the Code.

Sec. 6. Section ninety-six point four (96.4), subsection four (4), Code 1979, is amended to read as follows:

4. ~~He-or-she~~ The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work of not less than four hundred dollars in that calendar quarter in ~~his-or-her~~ the individual's base period in which ~~his-or-her~~ the individual's wages were the highest, and ~~also he-or-she~~ the individual has been paid wages for insured work of not less than two hundred dollars in a calendar quarter in ~~his-or-her~~ the individual's base period other than the calendar quarter in which ~~his-or-her~~ the individual's wages were the highest; and ~~provided further if he-or-she~~ and provided further if he-or-she.

If the individual has drawn benefits in any benefit year, ~~he-or-she~~ the individual must during or subsequent to that year, work in and be paid wages in for insured work totaling two-hundred-dollars at least ten times the weekly benefit amount, as a condition to receive benefits in the next benefit year.

Sec. 7. Section ninety-six point four (96.4), subsection five (5), paragraph b, Code 1979, is amended to read as follows:

b. Benefits based on service in employment, defined in section 96.19, subsection 6, and based on service after December 31, 1977 in an instructional, research, or principal administrative capacity for an educational institution operated by a government entity or a nonprofit organization, shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic

years or terms, (or, when an agreement provides instead for a similar period between two regular but not successive terms, during each period) to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution the second of such academic years or terms, or during a period of paid sabbatical leave, provided for in the individual's contract, and

Sec. 8. Section ninety-six point five (96.5), subsection one (1), paragraph d, Code 1979, is amended to read as follows:

d. ~~He-or-she~~ The individual left ~~his-or-her~~ employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for ~~such~~ absence immediately notified ~~him-or-her~~ her the employer, or ~~his-or-her~~ the employer consented to ~~such~~ the absence, and after recovering from ~~such~~ the illness, injury or pregnancy, when recovery ~~is~~ was certified by a licensed and practicing physician, ~~he-or-she~~ the individual returned to ~~his-or-her~~ the employer and offered ~~his-or-her~~ services to perform services and ~~his-or-her~~ the individual's regular work or comparable suitable work was not available, if so found by the ~~commission~~ department, provided ~~he-or-she~~ the individual is otherwise eligible.

Sec. 9. Section ninety-six point five (96.5), subsection one (1), paragraph g, Code 1979, is amended to read as follows:

g. ~~In-the-case-where-he-or-she~~ The individual left ~~his-or-her~~ work voluntarily without good cause attributable to ~~his-or-her~~ the employer under circumstances which did or would disqualify ~~him-or-her~~ the individual for benefits, except as provided in ~~subsection-1-~~ paragraph "a"-~~under~~ of this subsection ~~he-or-she~~, but subsequent to ~~such~~ the leaving, the individual worked in and was paid wages for insured work ~~for-not-less-than-six-consecutive-weeks~~ equal to ten times the individual's weekly benefit amount, provided ~~he-or-she~~ the individual is otherwise eligible.

Sec. 10. Section ninety-six point five (96.5), subsection two (2), Code 1979, is amended to read as follows.

2. DISCHARGE FOR MISCONDUCT. If the department finds that ~~he-or-she~~ the individual has been discharged for misconduct in connection with ~~his-or-her~~ the individual's employment:

a. ~~He-or-she-shall-forefeit-one-to-nine-weeks-benefits~~ The individual shall be disqualified for benefits 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.

b. Provided further, if gross misconduct is established, ~~he-or-she-shall-forefeit-from-ten-weeks-benefits-to-the-maximum-amount-payable-in-his-or-her-current-benefit-period~~ the department shall cancel the individual's wage credits earned, prior to the date of discharge, from all employers.

c. Gross misconduct is deemed to have occurred after a claimant loses employment as a result of an act constituting an indictable offense in connection with his or her employment, provided the claimant is duly convicted thereof or has signed a statement admitting that he or she has committed such an act. Determinations regarding a benefit claim may be redetermined within five years from the effective date of the claim. Any benefits paid to a claimant prior to a determination that the claimant has lost employment as a result of such act shall not be considered to have been accepted by the claimant in good faith.

Sec. 11. Section ninety-six point five (96.5), subsection three (3), Code 1979, is amended to read as follows:

3. FAILURE TO ACCEPT WORK. If the department finds that ~~he-or-she~~ an individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the ~~commission~~ department or to accept suitable work when offered ~~him-or-her~~ that individual, or to return to ~~his-or-her~~ customary self-employment, if any. The department in cooperation with the employment office shall, if possible, furnish the individual with the names

of employers which are seeking employees. The individual shall apply to and obtain the signatures of the employers designated by the department on forms provided by the department, unless the employers refuse to sign the forms. The individual's failure to obtain the signatures of designated employers, which have not refused to sign the forms, shall disqualify the individual from further benefits until requalified. To requalify for benefits after disqualification under this subsection, the individual shall work in and be paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

a. In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to ~~his or her~~ the individual's health, safety, and morals, ~~his or her~~ the individual's physical fitness and prior training, ~~his or her experience and prior earnings,~~ ~~his or her~~ length of unemployment, and prospects for securing local work in ~~his or her~~ the individual's customary occupation, and the distance of the available work from ~~his or her~~ the individual's residence, and any other factor which ~~is~~ the department finds bears a reasonable relation to the purposes of this subsection paragraph. Work is suitable if the work meets all the other criteria of this paragraph and if the gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

(1) one hundred percent, if the work is offered during the first five weeks of unemployment;

(2) seventy-five percent, if the work is offered during the sixth through the thirteenth week of unemployment;

(3) seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment;

(4) sixty-five percent, if the work is offered during the eighteenth week of unemployment.

However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

b. Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Sec. 12. Section ninety-six point five (96.5), subsection five (5), Code 1979, is amended to read as follows:

5. OTHER COMPENSATION. For any week with respect to which ~~he or she~~ the individual is receiving or has received payment in the form of:

a. Wages in lieu of notice, separation allowance, severance pay or dismissal pay;

b. Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States;

c. Old-age benefits under title II of the Social Security Act (42 USC, chapter 7), as amended, or similar retirement payments under any Act of Congress; ~~however only fifty percent of the old-age benefits under title II of the Social Security Act shall be deducted from his or her weekly benefits;~~

d. ~~Benefits paid as retirement pay or as private pension~~ A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of the individual.

Provided, that if such remuneration is less than the benefits which would otherwise be due under this chapter.

~~he or she~~ the individual shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraphs "a", "b", "c", or "d", of this subsection were paid on a retroactive basis for the same period, or any part thereof, the department shall recover any such excess amount of benefits paid by the department for such period, and no employer's account shall be charged with benefits so paid, provided further, however, that ~~retirement-pay-or~~ compensation for service-connected disabilities or ~~pensions-and~~ compensation for accrued leave based on military service, by the beneficiary, with the armed forces of the United States, irrespective of the amount of the benefit, shall in no way disqualify any individual, otherwise qualified, from any of the benefits contemplated herein.

Sec. 13. Section ninety-six point six (96.6), subsection two (2), Code 1979, 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 the filing thereof, and said parties shall have ~~seven ten~~ days from the date of mailing the notice of the filing of said claim by ordinary mail to the last known address to protest payment of benefits to said claimant. The representative shall promptly examine the claim and any protest thereto and, on the basis of the facts found by the representative, shall determine whether or not such claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, and whether any disqualification shall be imposed. Unless the claimant or other interested party, after notification or within ten calendar days after such notification was mailed to the claimant's last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If a hearing officer affirms a decision of the

representative, or the appeal board affirms a decision of the hearing officer, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

Sec. 14. Section ninety-six point six (96.6), subsection eight (8), Code 1979, is amended to read as follows:

8. JUDICIAL REVIEW. ~~A decision of the appeal board shall become final ten days after the date of notification or mailing thereof--judicial review of any decision of the appeal board may be sought in accordance with the terms of the Iowa administrative procedure Act. An application for rehearing shall be filed pursuant to section seventeen A point sixteen (17A.16) of the Code. A petition for judicial review of a decision of the department or of the appeal board shall be filed pursuant to section seventeen A point nineteen (17A.19) of the Code.~~ The department may be represented in any such judicial review proceeding by any qualified attorney who is a regular salaried employee of the department or who has been designated by the department for that purpose, or at the department's request, by the attorney general. Notwithstanding the terms of the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the claimant was last employed or resides, provided that if the claimant does not reside in the state of Iowa the action shall be brought in the district court of Polk county, Iowa, and any other party to the proceeding before the appeal board shall be named in the petition. ~~Notwithstanding the thirty-day requirement in section seventeen A point nineteen (17A.19), subsection six (6) of the Code, the department shall, within sixty days after filing of the petition for judicial review or within a longer period of time allowed by the court, transmit to the reviewing court the original or a certified copy of the entire record of a contested claim.~~ The department may also certify to such courts, questions of law involved in any decision by it. Petitions for judicial review and the questions so certified

shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state. No bond shall be required for entering an appeal from any final order, judgment or decree of the district court to the supreme court.

Sec. 15. Section ninety-six point seven (96.7), subsection three (3), paragraph a, subparagraph two (2), Code 1979, is amended to read as follows:

(2) The amount of regular benefits plus fifty percent of the amount of extended benefits, as determined under section 96.29, paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of such the individual occurred. Provided, that in any case in which ~~a-statement~~ the individual to whom such the benefits are paid is in the employ of a base period employer at the time he ~~or-she~~ the individual is receiving such the benefits, and ~~he-or-she~~ the individual is receiving the same employment from such the employer that ~~he-or-she~~ the individual received during his-~~or-her~~ the individual's base period, then ~~no-charge~~ of benefits paid to ~~such-statement~~ the individual shall not be made ~~charged~~ against the account of such the employer. ~~No~~ An employer's account shall not be charged with benefit payments made to any individual who ~~quit-such-employment~~ has left the work of the employer voluntarily without good cause attributable to the employer, but shall be charged to the account of the next succeeding employer with whom the individual requalified for benefits as determined under section 96.5, subsection 1, paragraph "g". However, the succeeding employer's account shall first be charged with benefit payments to the individual due to wage credits earned by the individual while employed by the succeeding employer. After exhausting those wage credits, the succeeding employer's account shall not be charged with ten weeks of benefit payments to the individual due to wage credits earned by the individual from a previous employer, but rather the unemployment compensation trust fund shall be charged. After exhausting the ten weeks

of noncharging, the succeeding employer's account shall again be charged with benefit payments. Provided further, that an employer's account shall not be charged with benefit payments made to an individual who has been discharged for misconduct in connection with the individual's employment, and shall not be charged with benefit payments made to an individual after the individual has failed without good cause, either to apply for available, suitable work or to accept suitable work or to return to customary self-employment, but shall be charged to the account of the next succeeding employer with whom the individual requalifies for benefits as determined respectively under section ninety-six point five (96.5), subsections two (2) and three (3) of the Code.

However, with respect to a succeeding employer who employs an individual who has been discharged for misconduct by a previous employer, the succeeding employer's account shall first be charged with benefit payments to the individual due to wage credits earned by the individual while employed by the succeeding employer. After exhausting those wage credits, the succeeding employer's account shall not be charged with ten weeks of benefit payments to the individual due to wage credits earned by the individual from a previous employer, but rather the unemployment compensation trust fund shall be charged. After exhausting the ten weeks of noncharging, the succeeding employer's account shall again be charged with benefit payments.

Sec. 16. Section ninety-six point seven (96.7), subsection three (3), paragraph a, subparagraph three (3), Code 1979, is amended to read as follows:

(3) The amount of regular benefits so charged in any calendar quarter against the account of any employer shall not exceed the amount of such individual's wage credits based on employment with such employer during such quarter. The amount of extended benefits so charged in any calendar quarter against the account of any employer shall not exceed an additional fifty percent of the amount of such individual's wage credits based on employment with such employer during

such quarter except that all extended benefits shall be so charged if a government reimbursable employer pays all extended benefits under subsection eight (8), paragraph c of this section.

Sec. 17. Section ninety-six point seven (96.7), subsection three (3), paragraph d, unnumbered paragraph six (6), Code 1979, is amended to read as follows:

Provided, however, that notwithstanding any other provisions of this chapter, the applicable contribution rate table for the calendar years 1978 and 1979 will be table two if the ratio of the current reserve fund ratio to the highest benefit cost rate on the rate computation date is less than 0.75. However, notwithstanding any other provision of this chapter, the applicable contribution rate table for the calendar years 1980 and 1981 shall be table three unless the ratio of the current reserve fund ratio to the highest benefit cost rate on the rate computation date is 1.0 or higher. Provided further that during any rate year in which a rate table in rate tables four through nine is effective an employer assigned a contribution rate under the provisions of this paragraph shall not be required to contribute to the unemployment compensation trust fund if the employer's percentage of excess is seven point five percent or greater for the rate year and the employer has not been charged with benefit payments for any time within the forty calendar quarters immediately preceding the rate computation date for the rate year.

Sec. 18. Section ninety-six point seven (96.7), subsection three (3), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. If an employer has not filed a contribution or payroll quarterly report, as required under section ninety-six point eleven (96.11), subsection seven (7) of the Code, for a calendar quarter which precedes the computation date and upon which the employer's rate of contribution is computed, the employer's average annual taxable payroll shall be computed by adding the taxable wages in the appropriate quarterly reports on file and dividing that sum

by the number of years and quarters of years for which quarterly reports are on file.

If a delinquent quarterly report is received by November fifteenth immediately following the computation date the rate of contribution shall be recomputed by using the taxable wages in all the appropriate quarterly reports on file to determine the average annual taxable payroll.

If a delinquent quarterly report is received after November fifteenth following the computation date the rate of contribution shall not be recomputed, unless the rate is appealed in writing to the department under paragraph e of this subsection and the delinquent quarterly report received after November fifteenth is also submitted not later than thirty days after the department notifies the employer of the rate under paragraph e of this subsection.

Sec. 19. Section ninety-six point seven (96.7), subsection four (4), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. EMPLOYER LIABILITY DETERMINATION. The department shall initially determine all questions relating to the liability of an employing unit or employer, including the amount of contribution, the rate of contribution, and successorship. A copy of the initial determination shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

The affected employing unit or employer may appeal in writing to the department from the initial determination. An appeal shall not be entertained for any reason by the department unless the appeal is filed with the department within thirty days from the date on which the initial determination is mailed. If an appeal is not so filed, the initial determination shall with the expiration of the appeal period become final and conclusive in all respects and for all purposes.

A hearing on an appeal shall be conducted according to the regulations and rules promulgated by the department.

A copy of the decision of the hearing officer shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

The department's decision on the appeal shall be final and conclusive as to the liability of the employing unit or employer unless the employing unit or employer files an appeal for judicial review within thirty days after the date of mailing of the decision as provided in subsection six (6) of this section.

Sec. 20. Section ninety-six point seven (96.7), subsection eight (8), paragraph a, Code 1979, is amended to read as follows:

a. A government entity which is an employer under the provisions of this chapter shall make benefit payments in a manner provided for a government reimbursable employer unless the employer elects to pay unemployment compensation benefits as a contributing employer. Government entities may establish a group account as provided in this section. Any election under this subsection to be a government contributing employer shall be effective for a minimum of ~~two~~ one calendar ~~years~~ year and may be changed if an election is made to be a government reimbursable employer prior to December ~~1~~ first for a minimum of the ~~two~~ following calendar ~~years~~ year.

Sec. 21. Section ninety-six point seven (96.7), subsection eight (8), paragraph b, unnumbered paragraph one (1), Code 1979, is amended to read as follows:

For the purposes of this subsection "government contributing employer" means a government entity electing to contribute for a minimum period of ~~two~~ one calendar ~~years~~ year at a contribution rate determined by the department in the following manner:

Sec. 22. Section ninety-six point seven (96.7), subsection eight (8), paragraph b, Code 1979, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. For the calendar year beginning January 1, 1980 the contribution rate shall be computed by the

department immediately preceding the rate computation date by using the potential benefit charges of all government contributing employers for calendar year 1978 divided by the total of all taxable wages of government contributing employers for calendar year 1978.

NEW SUBPARAGRAPH. For the calendar year beginning January 1, 1981 and each subsequent year, each government contributing employer with at least eight consecutive calendar quarters immediately preceding the rate computation date throughout which the employer's account has been chargeable with benefit payments, shall be assigned a contribution rate under the provisions of this subparagraph. Contribution rates shall be assigned by listing all such government contributing employers by decreasing percentages of excess from the highest positive percentage of excess to the highest negative percentage of excess. The employers so listed shall be grouped into seven separate percentage of excess ranks each containing as nearly as possible one-seventh of the total taxable wages of government entities eligible to be assigned a rate under this subparagraph. The department shall annually calculate a base rate for each calendar year. The base rate is equal to the sum of the benefit payments charged to government contributing employers in the preceding calendar year at the time of the rate computation plus the difference between the total benefits less contributions made by government contributing employers since January 1, 1980 which sum is divided by the total taxable wages of government contributing employers for the preceding year rounded to the next highest one-tenth of a percentage point. If total contributions since January 1, 1980 exceed total benefit payments for government contributing employers, the difference shall be subtracted from the benefit payments of the preceding year. If benefits since January 1, 1980 exceed total contributions for government contributing employers the difference shall be added to the benefit payment of the preceding year. Excess contributions for the years 1978 and 1979 will be used to offset benefit payments in any year where total benefit payments exceed total

contributions of government contributing employers. The contribution rate as a percentage of taxable wages of the employer shall be assigned as follows:

If the percentage of excess rank is:	The contribution rate shall be:	Approximate cumulative taxable payroll:
1	Base Rate - 0.9	14.3
2	Base Rate - 0.6	28.6
3	Base Rate - 0.3	42.9
4	Base Rate	57.2
5	Base Rate + 0.3	71.5
6	Base Rate + 0.6	85.8
7	Base Rate + 0.9	100.0

If a government contributing employer is grouped into two separate percentage of excess ranks, the employer shall be assigned the lower contribution rate of the two percentage of excess ranks. Notwithstanding the provisions of this subparagraph, a government contributing employer shall not be assigned a contribution rate less than one-tenth of one percent of taxable wages unless the employer has a positive percentage of excess greater than five percent. For the purposes of this subsection percentage of excess has the meaning provided in subsection three (3), paragraph d of this section.

For the calendar year beginning January 1, 1981, government entities electing to be government contributing employers which are not otherwise eligible to be assigned a contribution rate under this subparagraph shall be assigned the base rate for the calendar year as a contribution rate for the calendar year.

Sec. 23. Section ninety-six point eleven (96.11), subsection seven (7), Code 1979, is amended to read as follows:

7. RECORDS AND REPORTS.

a. Each employing unit shall keep true and accurate work records, containing such information as the department may prescribe. Such records shall be open to inspection and be subject to being copied by the department or its authorized

representatives at any reasonable time and as often as may be necessary. The director or a duly authorized representative of the department may require from any employing unit any sworn or unsworn reports, with respect to persons employed by the department, employing unit which the director deems necessary for the effective administration of this chapter. ~~Information thus obtained shall not be published or be open to public inspection, other than to public employees in the performance of their public duties or to an agent of the department designated as such in writing for the purpose of accomplishing certain functions of the department, in any manner revealing the employing unit's identity, but any claimant at a hearing before a hearing officer or the appeal board shall be supplied with information from such records to the extent necessary for the proper presentation of the claim.~~

b. (1) The department shall hold confidential the information obtained from an employing unit or individual in the course of administering this chapter and the initial determinations made by the department's representative under section ninety-six point six (96.6), subsection two (2) of the Code as to the benefit rights of an individual. The department shall not disclose or open this information for public inspection in a manner that reveals the identity of the individual or employing unit, except as provided in subparagraph three (3) of this paragraph and paragraph c of this subsection.

(2) A report or statement, whether written or verbal, made by a person to the department or to a person administering this law is a privileged communication. A person is not liable for slander or libel on account of such a report or statement.

(3) Information obtained from an employing unit or individual in the course of administering this chapter and initial determinations made by the department's representative under section ninety-six point six (96.6), subsection two (2) of the Code as to benefit rights of an individual shall

not be used in any action or proceeding except in a contested case proceeding or judicial review under the provisions of chapter seventeen A (17A) of the Code. Information in the department's possession that may affect a claim for benefits or a change in an employer's rating account shall be made available to the affected parties or their legal representatives. Such information may be used by the affected parties in a proceeding under this chapter to the extent necessary for the proper presentation or defense of a claim.

c. Subject to conditions as the department by rule prescribes, information obtained from an employing unit or individual in the course of administering this chapter and initial determinations made by the department's representative under section ninety-six point six (96.6), subsection two (2) of the Code as to benefit rights of an individual may be made available to any of the following:

(1) An agency of this or any other state, or a federal agency responsible for the administration of an unemployment compensation law or the maintenance of a system of public employment offices.

(2) The bureau of internal revenue of the United States department of the treasury.

(3) The Iowa department of revenue.

(4) The social security administration of the United States department of health, education and welfare.

(5) An agency of this or any other state or a federal agency responsible for the administration of public works or the administration of public assistance to unemployed workers.

(6) Colleges, universities and public agencies of this state for use in connection with research of a public nature, provided the department does not reveal the identity of any individual or employing unit.

Information released by the department shall only be used for purposes consistent with the purposes of this chapter.

d. Upon request of an agency of this or another state or of the federal government which administers or operates

a program of public assistance under either federal law or the law of this or another state, or which is charged with a duty or responsibility under any such program, and if that agency is required by law to impose safeguards for the confidentiality of information at least as effective as required under this section, then the department shall provide to the requesting agency, with respect to any named individual specified, any of the following information:

(1) Whether the individual is receiving, has received, or has made application for unemployment compensation under this chapter.

(2) The period, if any, for which unemployment compensation was payable and the weekly rate of compensation paid.

(3) The individual's most recent address.

(4) Whether the individual has refused an offer of employment, and, if so, the date of the refusal and a description of the employment refused, including duties, conditions of employment, and the rate of pay.

e. The department may require an agency that is provided information under this section to reimburse the department for the costs of furnishing the information.

f. Any employee of the department or member of the appeal board who violates any provision of this section shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not longer than ninety days, or both guilty of a serious misdemeanor.

g. Information subject to the confidentiality of this section shall not be made available to any authorized agency prior to notification in writing to the individual involved, except in criminal investigations.

Sec. 24. Section ninety-six point eleven (96.11), subsection nine (9), Code 1979, is amended to read as follows:

9. SUBPOENAS. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts

business, upon application by the ~~appeal-board~~ department or any member or duly authorized representative thereof, shall have jurisdiction to issue to such person an order requiring such person to appear before the ~~appeal-board~~, there department or any member or duly authorized representative thereof to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 25. Section ninety-six point fourteen (96.14), subsection three (3), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If an amount due from a governmental entity of this state remains due and unpaid for a period of one hundred twenty days after the due date, the director shall take action as necessary to collect the amount and shall levy against any funds due the governmental entity from the state treasurer, director of the department of revenue, or any other official or agency of this state or against an account established by the entity in any bank. The official, agency or bank shall deduct the amount certified by the director from any accounts or deposits or any funds due the delinquent governmental entity without regard to any prior claim and shall promptly forward the amount to the director for the fund. However, the director shall notify the delinquent entity of the director's intent to file a levy by certified mail at least ten days prior to filing the levy on any funds due the entity from any state official or agency.

Sec. 26. Section ninety-six point sixteen (96.16), subsection one (1), Code 1979, is amended to read as follows:

1. PENALTIES. ~~Whoever~~ An individual who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter, either for ~~himself~~ or ~~herself~~ the individual or for any other ~~person~~ individual, ~~shall-be~~ is guilty of a fraudulent practice as defined in section seven hundred fourteen point eight (714.8) through

seven hundred fourteen point fourteen (714.14) of the Code. Each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. The total amount of benefits or payments involved in the completion of or in the attempt to complete a fraudulent practice shall be used in determining the value involved under section seven hundred fourteen point fourteen (714.14) of the Code.

Sec. 27. Section ninety-six point sixteen (96.16), subsection two (2), Code 1979, is amended to read as follows:

2. FALSE STATEMENT. Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or reduce any contribution or other payment required from an employing unit under this chapter, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, ~~shall-be~~ is guilty of a fraudulent practice, ~~and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal, shall constitute a separate offense as defined in sections seven hundred fourteen point eight (714.8) through seven hundred fourteen point fourteen (714.14) of the Code. The total amount of benefits, contributions or payments involved in the completion of or in the attempt to complete a fraudulent practice shall be used in determining the value involved under section seven hundred fourteen point fourteen (714.14) of the Code.~~

Sec. 28. Section ninety-six point sixteen (96.16), subsection four (4), Code 1979, is amended to read as follows:

4. MISREPRESENTATION. ~~Any person~~ An individual who, by reason of the nondisclosure or misrepresentation by ~~him~~ or ~~her~~ the individual or by another, of a material fact, has

received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in ~~his-or-her~~ the individual's case, or while ~~he-or-she~~ the individual was disqualified from receiving benefits, shall, in the discretion of the department, either be liable to have ~~such~~ the sum deducted from any future benefits payable to ~~him-or-her~~ the individual under this chapter or shall be liable to repay to the department for the unemployment compensation fund, a sum equal to the amount so received by ~~him-or-her~~, ~~and-such-sum-shall-be-collectible~~ in-the-manner-provided-in-section-96.14, subsection-3, for the-collection-of-past-due-contributions the individual. If the department seeks to recover the amount of the benefits by having the individual pay to the department a sum equal to that amount, the department may file a lien with the county recorder in favor of the state on the individual's property and rights to property, whether real or personal. The amount of the lien shall be collected in a manner similar to the provisions for the collection of past-due contributions in section ninety-six point fourteen (96.14), subsection three (3) of the Code.

Sec. 29. Section ninety-six point nineteen (96.19), subsection six (6), paragraph a, subparagraph seven (7)(a), Code 1979, is amended to read as follows:

(7)(a) A person in agricultural labor when such labor is performed for an employing unit which during any calendar quarter in the calendar year or the preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; or on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed in agricultural labor for some portion of the day ten or more individuals, excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; and such labor is not agricultural labor performed before January 1, 1980, by an

individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(~~11~~)(H) of the Immigration and Nationality Act, 8 U.S.C. s. 1184(c), 1101(a)(15)(H) (1976).

Sec. 30. Section ninety-six point nineteen (96.19), subsection twelve (12), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A separation allowance, severance pay or dismissal pay.

Sec. 31. Section ninety-six point nineteen (96.19), subsection twenty-eight (28), Code 1979, is amended to read as follows:

28. There is a state "on" indicator for a week if the rate of insured unemployment under the state law for the period consisting of such week and the immediately preceding twelve weeks:

a--~~Equaled-or-exceeded-five-percent~~; or

b--~~Equaled~~ equaled or exceeded four percent and equaled or exceeded one hundred twenty percent of the average of ~~these~~ the rates for the corresponding thirteen-week period ending in each of the two preceding ~~two~~ calendar years.

Sec. 32. Section ninety-six point nineteen (96.19), subsection twenty-nine (29), Code 1979, is amended to read as follows:

29. There is a state "off" indicator for a week if, for the period consisting of ~~such~~ the week and the immediately preceding twelve weeks, the rate of insured unemployment under the state law was:

a--~~Bees less~~ less than four percent; or

b--~~Bees less~~ less than ~~five-percent-and-less-than~~ one hundred twenty percent of the average of ~~these~~ the rates for thirteen weeks ending in each of the two preceding calendar years, except that, notwithstanding any ~~such~~ provision of this subsection, any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

Sec. 33. Section six hundred twenty-six point twenty-nine (626.29), Code 1979, is amended to read as follows:

626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE OR DIRECTOR OF JOB SERVICE. In the service of a distress warrant issued by the director of revenue for the collection of income tax, sales tax, freight line and equipment car tax or use tax or in the service of a distress warrant issued by the director of job service for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due ~~him~~ the taxpayer or the employer, may be reached by garnishment.

Sec. 34. Section ninety-six point five (96.5), subsection seven (7), paragraph d, Code 1979, is repealed.

Sec. 35. This Act is effective July 1, 1979.

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TERRY E. BRANSTAD  
President of the Senate

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FLOYD H. MILLEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 373, Sixty-eighth General Assembly.

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FRANK J. STORK  
Secretary of the Senate

Approved June 8, 1979

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ROBERT D. RAY  
Governor