

FILED FEB 18 1987

SENATE FILE 199
BY GETTINGS

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

A BILL FOR

1 An Act relating to labor disputes and the qualification for an
2 employee for unemployment compensation benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 199

1 Section 1. Section 96.5, subsection 4, Code 1987, is
2 amended to read as follows:

3 4. LABOR DISPUTES. For any week with respect to which the
4 division of job service finds that the individual's total or
5 partial unemployment is due to a stoppage of work which exists
6 because of a labor dispute at the factory, establishment, or
7 other premises at which the individual is or was last
8 employed, ~~provided that~~. However, the disqualification in
9 this subsection shall does not apply if it is shown to the
10 satisfaction of the division that: paragraphs "a" and "b", or
11 paragraph "c", apply.

12 a. The individual is not participating in or financing or
13 directly interested in the labor dispute which caused the
14 stoppage of work, ~~and~~.

15 b. The individual does not belong to a grade or class of
16 workers of which, immediately before the commencement of the
17 stoppage, there were members employed at the premises at which
18 the stoppage occurs, any of whom are participating in or
19 financing or directly interested in the dispute.

20 c. The individual's unemployment is due to the existence
21 of a lockout. A lockout exists whether or not such action is
22 to obtain for the employer more advantageous terms when either
23 of the following conditions exist:

24 (1) An employer fails to provide employment to employees
25 with whom the employer is engaged in a labor dispute, either
26 by physically closing the plant or informing the employees
27 that there will be no work until the labor dispute is
28 terminated.

29 (2) An employer makes an announcement that work will be
30 available after the expiration of the existing contract only
31 under terms and conditions which are less favorable to the
32 employees than those current immediately prior to the
33 announcement. However, in either case the recognized or
34 certified bargaining agent must have advised the employer that
35 the employees with whom the employer is engaged in the labor

1 dispute are ready, able, and willing to continue working
2 pending the negotiation of a new contract under the terms and
3 conditions current immediately prior to the announcement.

4 Provided, that if in any case separate branches of work
5 which are commonly conducted as separate businesses in
6 separate premises are conducted in separate departments of the
7 same premises, each such department shall, for the purposes of
8 this subsection, be is deemed to be a separate factory,
9 establishment, or other premises.

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EXPLANATION

11 This bill provides that a lockout at a factory,
12 establishment, or other premises is not proper cause for the
13 disqualification of a worker for unemployment compensation
14 benefits. A lockout is defined as a situation when (1) a
15 labor dispute exists and the employer fails to provide
16 employment, either by physically closing the plant or
17 informing the employees that no work will be available until
18 the dispute is terminated, or (2) the employer states that
19 there will be no work after the expiration of the existing
20 contract until less favorable terms than those existing
21 immediately prior to the statement of the employer are agreed
22 to by the employees.

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