

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Notice of Intended Action**

**Proposing rule making related to claims and benefits and providing an opportunity for public comment**

The Director of the Department of Workforce Development hereby proposes to amend Chapter 24, “Claims and Benefits,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 96.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 96.

*Purpose and Summary*

These revisions to certain administrative rules will give the Department updated rules in response to previously made changes.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 17, 2018. Comments should be directed to:

David Steen, Attorney  
Department of Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Email: [david.steen@iwd.iowa.gov](mailto:david.steen@iwd.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 24.1(21) as follows:

**24.1(21) Benefit year, individual.** The benefit year is a period of 365 days (366 in a leap year) beginning with and including the starting date of the benefit year. The starting date of the benefit year is always on Sunday and is the Sunday of the current week in which the claimant first files a valid claim ~~unless the claim is backdated as allowed under paragraph 24.2(1) "h."~~.

ITEM 2. Amend subparagraph **24.2(1) "g"(1)** as follows:

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following the Saturday of the weekly reporting period and, ~~unless reasonable cause can be shown for the delay,~~ not later than close of business on the Friday following the weekly reporting period.

ITEM 3. Amend subparagraph **24.2(1) "g"(3)** as follows:

- (3) The individual shall set forth the following:
1. That the individual continues the claim for benefits;
  2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, was able to work and available for work;
  3. That the individual indicates the number of employers contacted for work, the contact information for each employer contacted, and the result of the contact;
  4. That the individual knows the law provides penalties for false statements in connection with the claim;
  5. That the individual has reported any job offer received during the period covered by the claim;
  6. That the individual understands the individual's responsibility to review the individual's claim records to ensure there is no delay in filing the individual's weekly claim to remain in continuous reporting status. Failure to file claims each week will require a claimant to submit a claim application to reactivate the claim;
  - ~~6- 7.~~ Other information required by the department.

ITEM 4. Amend subparagraph **24.2(1) "h"(2)** as follows:

- (2) The claim may only be backdated prior to the first day of the calendar week in which the claimant does report and file a claim ~~for the following reasons:~~
- ~~1. The failure of the department to recognize the expiration of the claimant's previous benefit year;~~
  - ~~2. The if the claimant filed an interstate claim against another state which has been determined as ineligible.~~

ITEM 5. Amend paragraph **24.13(3) "c"** as follows:

c. Wages in lieu of notice, separation allowance, ~~severance pay~~ and dismissal pay.

ITEM 6. Adopt the following **new** paragraph **24.13(3) "f"**:

f. Severance pay. Severance pay is any payment based solely on the years of service and is not conditioned on the individual giving up any legal right or the release of any rights.

ITEM 7. Adopt the following **new** subparagraph **24.37(1) "d"(4)**:

(4) The effective date of an interstate claim shall be the Sunday of the week the claim was filed, except if proof is obtained from another state that the claimant filed in that state and it was determined that the claim should have been filed in Iowa.