871—24.15(96) Benefit eligibility conditions. To be eligible to receive benefits, the individual bears the burden of establishing, and the department must find, that the individual is able to work, available for work, and earnestly and actively seeking work.

24.15(1) *Able to work.* An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

b. Interpretation of ability to work. The law provides that an individual must be able to work to be eligible for benefits. This means that the individual must be physically able to work, not necessarily in the individual's customary occupation, but able to work in some reasonably suitable, comparable, gainful, full-time endeavor, other than self-employment, which is generally available in the labor market in which the individual resides.

24.15(2) *Available for work.* The availability requirement is satisfied when an individual is genuinely attached to the labor market (e.g. the individual is willing, able, and ready to accept suitable work that the individual does not have good cause to refuse). Under unemployment insurance laws, it is the availability of an individual who is tested, and the labor market is therefore described in terms of the individual. A labor market for an individual means a market for the type of service the individual offers in the geographical area in which the individual offers the service. It does not mean that job vacancies must exist. It means only that the type of services that an individual is offering is generally performed in the geographical area in which the individual is offering the services.

a. Shift restriction. The individual does not have to be available for a particular shift. If an individual is available for work on the same basis on which the individual's wage credits were earned and if after considering the restrictions as to hours of work, etc., imposed by the individual there exists a reasonable expectation of securing employment, then the individual meets the requirement of being available for work.

b. Intermittent employment. An individual cannot limit employability to only temporary or intermittent work until recalled by a regular employer.

c. Jury duty. The individual is considered available for work while serving on jury duty because time spent in jury service is not a personal service performed under a contract of hire in an employment situation but rather a public duty required by law. Jury duty does not render the individual as employed and ineligible for benefits even though it may involve the individual full-time.

d. Work release program while incarcerated. For those individuals incarcerated in jail, the work release program usually does not meet the availability requirements of Iowa Code section 96.4(3), but the department will review any situation concerning an incarcerated individual who can meet the requirements of Iowa Code section 96.4(3).

e. Available for part of week. Each case is decided on its own merits. Generally, if the individual is available for the major portion of the workweek, the individual is considered to be available for work.

f. On-call workers.

(1) Substitute workers (e.g., post office clerks, railroad extra board workers) who hold themselves available for one employer and who do not accept other work, are not available for work within the meaning of the law and are not eligible for benefits.

(2) Substitute teachers. The question of eligibility of substitute teachers is subjective in nature and is determined on an individual case basis. The substitute teacher is considered an instructional employee and is subject to the same limitations as other instructional employees. As far as payment of benefits between contracts or terms and during customary and established periods of holiday recesses is concerned, benefits are denied if the substitute teacher has a contract or reasonable assurance that the substitute teacher will perform service in the period immediately following the vacation or holiday recess. A substitute teacher is not disqualified if the individual is able and available for work, making an earnest and active search for work each week, placing no restrictions on employment and is genuinely attached to the labor market.

(3) An individual whose wage credits earned in the base period of the claim consist exclusively of wage credits from on-call work, such as a banquet worker, railway worker, or substitute school teacher, is

not considered an unemployed individual within the meaning of Iowa Code section 96.1A(37)*"a"* and *"b."* An individual who is willing to accept only on-call work is not considered to be available for work.

g. Leave of absence. A leave of absence negotiated with the consent of both employer and employee is deemed a period of voluntary unemployment for the employee who is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee, the individual is considered laid off and eligible for benefits.

(2) If the employee fails to return at the end of the leave of absence and subsequently becomes unemployed, the individual is considered as having voluntarily quit and is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

h. Effect of religious convictions on Sabbath day work. An individual is considered as available for work if the precepts of the individual's religion prohibit work on the Sabbath. An individual who refuses to work on the Sabbath designated by the individual's religion because of conscientious observance of the Sabbath as a matter of religious conviction is also deemed to have good cause for refusing the work.

i. Available for work. To be considered available for work, an individual must at all times be in a position to accept suitable employment during periods when the work is normally performed. As an individual's length of unemployment increases and the individual has been unable to find work in the individual's customary occupation, the individual may be required to seek work in some other occupation in which job openings exist. If that does not seem likely to result in employment, the individual may be required to accept counseling for possible retraining or a change in occupation.

j. Reasonable expectation of securing employment. An individual may not be eligible for benefits if the individual has imposed limitations that leave the individual no reasonable expectation of securing employment. Restrictions may relate to type of work, hours, wages, location of work, etc., or may be physical restrictions.

k. Corporate officers. To be considered available, the corporate officer must meet the same tests of availability as are met by other individuals.

l. Lawfully authorized work. An individual who is not lawfully authorized to work within the United States is considered unavailable for work.

24.15(3) *Earnestly and actively seeking work.* It is essential that the individual personally and diligently search for work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. Iowa Code section 96.4(3) requires that an individual participate in and comply with the department's reemployment case management (RCM) program. Participation in RCM may include participation in reemployment activities, RCM appointments, career planning appointments, or live activities. Individuals who are required to participate in reemployment activities are identified in the first week after their claim to participate in RCM.

a. Basic requirements.

(1) At the start of a benefit claim, individuals are required to participate in a virtual workshop related to continued unemployment insurance eligibility. This workshop may include information regarding proper certification of weekly claims, reemployment requirements, and the requirements to be considered able and available for work.

(2) Claimants will be provided notice of the requirement to participate in the RCM program and will receive notice of a scheduled first appointment. Topics of the initial RCM appointment will include but not be limited to enrollment into Title III of the federal Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128; review of benefit claim status; assessment of continued benefit eligibility; and referrals to appropriate partner services.

(3) Topics of subsequent RCM appointments may include but not be limited to review of benefit claim status, assessment of continued benefit eligibility, and referrals to appropriate partner services.

(4) During RCM appointments, an individual reemployment plan will be developed detailing when the customer is scheduled to attend additional appointments or other reemployment activities, including career planning appointments or live workshops.

(5) Reemployment activities must be recorded as directed by the department.

b. To meet the requirement that an individual is earnestly and actively seeking work for the claim week, the department may deem an individual to be participating and compliant with RCM when the individual has truthfully certified on the individual's weekly claim that the individual has performed a minimum of four reemployment activities and documented and reported each activity to the department.

(1) At least three of the four reemployment activities for the purpose of this paragraph shall consist of applying for a potential job opening by submitting a resume or application through any of the following means:

1. Online.
2. In person.
3. Email.
4. Facsimile.
5. Mail.

(2) Additional reemployment activities for the purpose of this paragraph consist of any of the following:

1. Registering with a placement facility of a school or college.
2. Interviewing for a job virtually, in person, or at a job fair.
3. Attending an employment workshop organized or approved by the department, which may include completing an online or in-person job search workshop, job club, or job search networking meeting.
4. Attending a job fair sponsored or approved by the department.
5. Attending a scheduled career networking meeting with the department.
6. With the assistance and guidance of the department, completing a reemployment plan, which may include completing career direction research or work such as a job search plan or a targeted employer list.
7. Participating in job search counseling with a department career planner.
8. Attending an appointment with a core program partner authorized by the WIOA.
9. Participating in online or in-person mock interviews organized or approved by the department.
10. Completing a career-related assessment approved by the department and reviewed with a department career planner.
11. Completing a civil service examination.

(3) Unreasonable limitations by an individual as to salary, hours or conditions of work can indicate that the individual is not earnestly seeking work. The department expects each individual claiming benefits to conduct themselves as would any normal, prudent individual who is out of work. An individual is considered to have failed to make an effort to secure work if the department finds that the individual has followed a course of action designed to discourage prospective employers from hiring the individual in suitable work.

c. Noncompliance. An individual will be ineligible for benefits for any period for which the department finds that the individual has failed to make an earnest and active search for work.

(1) Individuals are expected to follow all benefit and RCM requirements for the duration of their claim and the department may review their reemployment activities at any time for compliance.

(2) Refusal to participate in RCM appointments or failure to complete the agreed upon reemployment activities may lead to an interruption in benefits until the activity is rescheduled or completed.

(3) The claimant's most recent weekly certification will be reviewed to determine if they are applying for suitable positions. A suitable position is one for which the applicant is qualified or one that the applicant would be willing to accept based upon information provided.

d. Exceptions.

(1) Members of unions or professional organizations who normally obtain their employment through union or professional organizations are considered as earnestly and actively seeking work if they maintain active contact with the union's business agent or with the placement officer in the professional organization. A paid-up membership must be maintained if this is a requirement for placement service. The trade, profession, or union to which the individual belongs must have an active hiring hall or placement facility, and the trade, profession, or union must be the source customarily used by employers in filling their job openings. Registering with the individual's union hiring or placement facility is sufficient, except when all benefit rights to regular benefits are exhausted and Iowa is in an extended benefit period or similar

program such as the federal supplemental compensation program. Mere registration at a union or reporting to a union hiring hall or registration with a placement facility of the individual's professional organization does not satisfy the extended benefit systematic and sustained effort to find work, and individuals complete reemployment activities.

(2) The requirement for seeking work is waived if all of the following conditions apply:

1. The individual is attached to a regular job or industry.

2. The individual is a high-skilled worker. For purposes of this numbered paragraph, "high-skilled worker" means a worker whose job or position requires more than a basic competency, license, or qualification. The worker must have an advanced competency, license, or qualification that demonstrates specialization and expertise in a field.

3. The individual is on a short-term temporary layoff. For purposes of this numbered paragraph, "short-term temporary layoff" means a layoff period of 16 weeks or less due to seasonal weather conditions that impact the ability to perform work limited to the following trades with a specific return-to-work date verified by the employer:

- Highway construction, repair, or maintenance; or
- Skilled trades including cement masons and concrete finishers, electricians, painters, plumbers, pipefitters, steamfitters, boilermakers, carpenters, and sheet metal workers.

4. Eligibility for a work search waiver will be determined by the director or a designee assigned by the director.

5. The individual otherwise qualifies for unemployment insurance benefits.

e. Week-to-week disqualification. Disqualification due to failure to conduct reemployment activities is made on a week-to-week basis and is not permanent.

f. Seniority rights. An individual who fails to exercise seniority rights to replace another employee with less seniority has the work search requirement waived during a period of regular benefits. This waiver does not apply to individuals receiving extended benefits or similar federal program benefits.

g. Search for work.

(1) The deferral code is used to determine which individuals are required to make personal applications for work. Other factors, such as the condition of the local labor market, the duration of benefit payments, and a change in claimant characteristics, are also taken into consideration on a weekly basis.

(2) Individuals receiving partial benefits are exempt from making personal applications for work in any week they have worked and received wages from their regular employer. Individuals involved in hiring hall practices must keep in weekly touch with the business agent of that union in which they maintain membership. All other individuals must make contacts with such frequency as the department considers advisable, after considering job prospects in the community, the condition of the labor market and any other factors that may have a bearing on the individual's reemployment. A sincere effort must be made to find a job. A contact made merely for the sake of complying with the law is insufficient.

This rule is intended to implement Iowa Code section 96.4(3).

[**ARC 0787D**, IAB 11/25/26, effective 12/30/26]