

House File 754

H-1131

1 Amend House File 754 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 96.1A, Code 2021, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 01. *"Able to work"* means the individual is
7 physically and mentally able to perform work.

8 NEW SUBSECTION. 1A. *"Available for work"* means the
9 individual is ready and willing to accept suitable work.

10 NEW SUBSECTION. 32A. *"Severance pay"* means any payment
11 in connection with separation from employment that is not
12 conditioned on the individual giving up any legal right or the
13 release of any rights.

14 Sec. 2. Section 96.1A, subsection 18, unnumbered paragraph
15 1, Code 2021, is amended to read as follows:

16 *"Exhaustee"* means an individual who, with respect to any
17 week of unemployment in the individual's eligibility period
18 has received, prior to such week, all of the regular benefits
19 that were available to the individual under [this chapter](#) or any
20 other state law, including ~~dependents' allowances and benefits~~
21 payable to federal civilian employees and former armed forces
22 personnel under 5 U.S.C. ch. 85, in the individual's current
23 benefit year that includes such weeks. Provided that for the
24 purposes of [this subsection](#) an individual shall be deemed to
25 have received all of the regular benefits that were available
26 to the individual, although as a result of a pending appeal
27 with respect to wages that were not considered in the original
28 monetary determination in the individual's benefit year the
29 individual may subsequently be determined to be entitled to add
30 regular benefits, or:

31 Sec. 3. Section 96.3, subsection 4, Code 2021, is amended
32 to read as follows:

33 4. *Determination of benefits.*

34 ~~a. With respect to benefit years beginning on or after July~~
35 ~~1, 1983, an~~ An eligible individual's weekly benefit amount for

1 a week of total unemployment shall be an amount equal to the
 2 following fractions of the individual's total wages in insured
 3 work paid during that quarter of the individual's base period
 4 in which such total wages were highest. The director shall
 5 determine annually a maximum weekly benefit amount equal to
 6 the following percentages, to vary with the number of based on
 7 whether the individual has dependents, of the statewide average
 8 weekly wage paid to employees in insured work which shall be
 9 effective the first day of the first full week in ~~July~~: July.

10 If the	The weekly	Subject to
11 number of	benefit amount	the following
12 dependents	shall equal	maximum
13 is:	the following	percentage of
14	fraction of high	the statewide
15	quarter wages:	average
16		weekly wage:
17 0	1/23	53%
18 1 <u>or more</u>	1/22	55% <u>57%</u>
19 2	1/21	57%
20 3	1/20	60%
21 4 or more	1/19	65%

22 *b.* The maximum weekly benefit amount, if not a multiple
 23 of one dollar, shall be rounded to the lower multiple of one
 24 dollar. ~~However, until such time as sixty-five percent of~~
 25 ~~the statewide average weekly wage exceeds one hundred ninety~~
 26 ~~dollars, the~~ The maximum weekly benefit amounts shall be
 27 determined using the statewide average weekly wage computed on
 28 the basis of wages reported for the current calendar year ~~1981~~.
 29 ~~As used in this section, "dependent" means dependent as defined~~
 30 ~~in section 422.12, subsection 1, paragraph "a", as if the~~
 31 ~~individual claimant was a taxpayer, except that an individual~~
 32 ~~claimant's nonworking spouse shall be deemed to be a dependent~~
 33 ~~under this section. "Nonworking spouse" means a spouse who does~~
 34 ~~not earn more than one hundred twenty dollars in gross wages~~
 35 ~~in one week.~~

1 Sec. 4. Section 96.3, subsection 5, paragraph a, Code 2021,
2 is amended to read as follows:

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

32 Sec. 5. Section 96.4, Code 2021, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 8. The individual has satisfied a single
35 one-week waiting period during the individual's benefit year.

1 To satisfy the one-week waiting period, the individual, with
2 respect to the week in question, must be eligible for benefits
3 from this state, but must not have received benefits from this
4 state, and must not be eligible for benefits from another
5 state.

6 Sec. 6. Section 96.5, subsection 3, paragraph a,
7 subparagraph (1), subparagraph divisions (a), (b), and (c),
8 Code 2021, are amended to read as follows:

9 (a) ~~One hundred~~ Eighty percent, if the work is offered
10 during the first ~~five~~ four weeks of unemployment.

11 (b) ~~Seventy-five~~ Seventy percent, if the work is offered
12 during the ~~sixth~~ fifth through the ~~twelfth~~ eighth week of
13 unemployment.

14 (c) ~~Seventy~~ Sixty percent, if the work is offered ~~during~~
15 ~~the thirteenth through the eighteenth~~ after the ninth week of
16 unemployment.

17 Sec. 7. Section 96.5, subsection 3, paragraph a,
18 subparagraph (1), subparagraph division (d), Code 2021, is
19 amended by striking the subparagraph division.

20 Sec. 8. Section 96.6, subsection 2, Code 2021, is amended
21 to read as follows:

22 2. *Initial determination.*

23 a. A representative designated by the director shall
24 promptly notify all interested parties to the claim of its
25 filing, and the parties have ten days from the date of issuing
26 the notice of the filing of the claim to protest payment
27 of benefits to the claimant. All interested parties shall
28 select a format as specified by the department to receive such
29 notifications. The representative shall promptly examine
30 the claim and any protest, take the initiative to ascertain
31 relevant information concerning the claim, and, on the basis of
32 the facts found by the representative, shall determine whether
33 or not the claim is valid, the week with respect to which
34 benefits shall commence, the weekly benefit amount payable and
35 its maximum duration, and whether any disqualification shall

1 be imposed.

2 b. The claimant has the burden of proving that the claimant
3 meets the basic eligibility conditions of [section 96.4](#). The
4 employer has the burden of proving that the claimant is
5 disqualified for benefits pursuant to [section 96.5](#), except as
6 provided by [this subsection](#). The claimant has the initial
7 burden to produce evidence showing that the claimant is not
8 disqualified for benefits in cases involving section 96.5,
9 subsections 10 and 11, and has the burden of proving that a
10 voluntary quit pursuant to [section 96.5, subsection 1](#), was
11 for good cause attributable to the employer and that the
12 claimant is not disqualified for benefits in cases involving
13 [section 96.5, subsection 1, paragraphs "a" through "h"](#). ~~Unless~~
14 ~~the claimant or other interested party, after notification~~
15 ~~or within ten calendar days after notification was issued,~~
16 ~~files an appeal from the decision, the decision is final~~
17 ~~and benefits shall be paid or denied in accordance with the~~
18 ~~decision. If an administrative law judge affirms a decision of~~
19 ~~the representative, or the appeal board affirms a decision of~~
20 ~~the administrative law judge allowing benefits, the benefits~~
21 ~~shall be paid regardless of any appeal which is thereafter~~
22 ~~taken, but if the decision is finally reversed, no employer's~~
23 ~~account shall be charged with benefits so paid and this relief~~
24 ~~from charges shall apply to both contributory and reimbursable~~
25 ~~employers, notwithstanding [section 96.8, subsection 5](#).~~

26 Sec. 9. Section 96.6, subsection 4, Code 2021, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:

29 4. *Effect of decision — payment of benefits.* Unless the
30 claimant or other interested party, after notification or
31 within ten calendar days after notification was issued, files
32 an appeal from the decision of the representative of the
33 department, the decision is final and benefits shall be paid or
34 denied in accordance with the decision. If an administrative
35 law judge affirms a decision of the representative, or the

1 appeal board affirms a decision of the administrative law judge
2 allowing benefits, the benefits shall be paid regardless of
3 any appeal which is thereafter taken, but if the decision is
4 finally reversed, no employer's account shall be charged with
5 benefits so paid and this relief from charges shall apply to
6 both contributory and reimbursable employers, notwithstanding
7 section 96.8, subsection 5.

8 Sec. 10. EFFECTIVE DATE. This Act takes effect July 1 of
9 the first year after the enactment of this Act in which the
10 contribution rate table in effect pursuant to section 96.7,
11 subsection 2, paragraph "d", is contribution rate table 3.

12 Sec. 11. APPLICABILITY.

13 1. Except as otherwise provided in this section, this Act
14 applies to any week of unemployment benefits beginning on or
15 after the first Sunday after the effective date of this Act.

16 2. The sections of this Act enacting section 96.4,
17 subsection 8, and amending section 96.6, subsection 4, apply to
18 any new claim of unemployment benefits beginning on or after
19 the first Sunday after the effective date of this Act.>

HUNTER of Polk