

Senate File 2131

S-5086

1 Amend Senate File 2131 as follows:

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

4 <Section 1. Section 96.2, Code 2022, is amended to read as
5 follows:

6 **96.2 Guide for interpretation.**

7 As a guide to the interpretation and application of this
8 chapter, the public policy of this state is declared to be as
9 follows: Economic insecurity due to unemployment ~~is a serious~~
10 ~~menace to~~ negatively impacts the health, morals, and welfare
11 of the people of ~~this state~~ Iowa. ~~Involuntary unemployment~~
12 ~~is therefore a subject of general interest and concern which~~
13 ~~requires appropriate action by the legislature to prevent~~
14 ~~its spread and to lighten its burden which now so often~~
15 ~~falls with crushing force upon the unemployed worker and the~~
16 ~~worker's family. The achievement of social security requires~~
17 ~~protection against this greatest hazard of our economic~~
18 ~~life. This can be provided~~ These undesirable consequences can
19 be reduced by encouraging employers to provide more stable
20 employment and by the systematic accumulation of funds during
21 periods of employment to provide benefits for periods of
22 unemployment, ~~thus maintaining purchasing power and limiting~~
23 ~~the serious social consequences of poor relief assistance.~~
24 ~~The legislature, therefore, declares that in its considered~~
25 ~~judgment the public good and the general welfare of the~~
26 ~~citizens of this state require the enactment of this measure,~~
27 ~~under the police powers of the state, for the compulsory~~
28 ~~setting aside of unemployment reserves to be used for the~~
29 ~~benefit of persons.~~ This chapter provides for payment of
30 benefits to workers unemployed through no fault of their own.
31 The policy herein is intended to encourage stabilization in
32 employment, to provide for integrated employment and training
33 services in support of state economic development programs, and
34 to provide meaningful job training and employment opportunities
35 for the unemployed, underemployed, economically disadvantaged,

SF 2131.4031 (2) 89

(amending this SF 2131 to CONFORM to HF 2355)

1 dislocated workers, and others with substantial barriers to
2 employment. To further this public policy, the state, through
3 its department of workforce development, will maintain close
4 coordination among all federal, state, and local agencies
5 whose missions affect the employment or employability of the
6 unemployed and underemployed.

7 Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022,
8 is amended to read as follows:

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

SF 2131.4031 (2) 89

(amending this SF 2131 to CONFORM to HF 2355)

1 amount, but not to exceed the total of the wage credits accrued
2 to the individual's account.

3 Sec. 3. Section 96.3, subsection 7, paragraph b,
4 subparagraph (1), subparagraph division (a), Code 2022, is
5 amended to read as follows:

6 (a) If the department determines that an overpayment
7 has been made, the charge for the overpayment against the
8 employer's account shall be removed and the account shall
9 be credited with an amount equal to the overpayment from
10 the unemployment compensation trust fund and this credit
11 shall include both contributory and reimbursable employers,
12 notwithstanding [section 96.8, subsection 5](#). The employer shall
13 not be relieved of charges if benefits are paid because the
14 employer or an agent of the employer failed to respond timely
15 or adequately to the department's request for information
16 relating to the payment of benefits. This prohibition
17 against relief of charges shall apply to both contributory and
18 reimbursable employers. If the department determines that an
19 employer's failure to respond timely or adequately was due to
20 insufficient notification from the department, the employer's
21 account shall not be charged for the overpayment.

22 Sec. 4. Section 96.5, subsection 2, Code 2022, is amended by
23 adding the following new paragraph:

24 NEW PARAGRAPH. *d.* For the purposes of this subsection,
25 "*misconduct*" means a deliberate act or omission by an
26 employee that constitutes a material breach of the duties
27 and obligations arising out of the employee's contract of
28 employment. Misconduct is limited to conduct evincing such
29 willful or wanton disregard of an employer's interest as
30 is found in deliberate violation or disregard of standards
31 of behavior which the employer has the right to expect of
32 employees, or in carelessness or negligence of such degree of
33 recurrence as to manifest equal culpability, wrongful intent
34 or evil design, or to show an intentional and substantial
35 disregard of the employer's interests or of the employee's

1 duties and obligations to the employer. Misconduct by an
2 individual includes but is not limited to all of the following:

3 (1) Material falsification of the individual's employment
4 application.

5 (2) Knowing violation of a reasonable and uniformly
6 enforced rule of an employer.

7 (3) Intentional damage of an employer's property.

8 (4) Consumption of alcohol, illegal or nonprescribed
9 prescription drugs, or an impairing substance in a manner
10 not directed by the manufacturer, or a combination of such
11 substances, on the employer's premises in violation of the
12 employer's employment policies.

13 (5) Reporting to work under the influence of alcohol,
14 illegal or nonprescribed prescription drugs, or an impairing
15 substance in an off-label manner, or a combination of such
16 substances, on the employer's premises in violation of the
17 employer's employment policies, unless the individual is
18 compelled to work by the employer outside of scheduled or
19 on-call working hours.

20 (6) Conduct that substantially and unjustifiably endangers
21 the personal safety of coworkers or the general public.

22 (7) Incarceration for an act for which one could reasonably
23 expect to be incarcerated that results in missing work.

24 (8) Incarceration as a result of a misdemeanor or felony
25 conviction by a court of competent jurisdiction.

26 (9) Excessive unexcused tardiness or absenteeism.

27 (10) Falsification of any work-related report, task, or job
28 that could expose the employer or coworkers to legal liability
29 or sanction for violation of health or safety laws.

30 (11) Failure to maintain any license, registration, or
31 certification that is reasonably required by the employer or
32 by law, or that is a functional requirement to perform the
33 individual's regular job duties, unless the failure is not
34 within the control of the individual.

35 (12) Conduct that is libelous or slanderous toward an

SF 2131.4031 (2) 89

(amending this SF 2131 to CONFORM to HF 2355)

1 employer or an employee of the employer if such conduct is not
2 protected under state or federal law.

3 (13) Theft of an employer or coworker's funds or property.

4 (14) Intentional misrepresentation of time worked or work
5 carried out that results in the individual receiving unearned
6 wages or unearned benefits.

7 Sec. 5. Section 96.5, subsection 3, paragraph a,
8 subparagraph (1), subparagraph divisions (a), (b), (c), and
9 (d), Code 2022, are amended to read as follows:

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

12 (b) ~~Seventy-five~~ Ninety percent, if the work is offered
13 during the ~~sixth~~ second through the ~~twelfth~~ third week of
14 unemployment.

15 (c) ~~Seventy~~ Eighty percent, if the work is offered during
16 the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of
17 unemployment.

18 (d) ~~Sixty-five~~ Seventy percent, if the work is offered
19 ~~after~~ during the ~~eighteenth~~ sixth through the ~~eighth~~ seventh week of
20 unemployment.

21 Sec. 6. Section 96.5, subsection 3, paragraph a,
22 subparagraph (1), Code 2022, is amended by adding the following
23 new subparagraph division:

24 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work
25 is offered after the eighth week of unemployment.

26 Sec. 7. Section 96.6, subsection 3, paragraph b, Code 2022,
27 is amended to read as follows:

28 *b.* Appeals from the initial determination shall be heard
29 by an administrative law judge employed by the department.
30 An administrative law judge's decision may be appealed by
31 any party to the employment appeal board created in section
32 10A.601. ~~The decision of the appeal board is final agency~~
33 ~~action and an appeal of the decision shall be made~~ or directly
34 to the district court.

35 Sec. 8. Section 96.40, subsection 2, Code 2022, is amended

SF 2131.4031 (2) 89

(amending this SF 2131 to CONFORM to HF 2355)

1 by adding the following new paragraph:

2 NEW PARAGRAPH. 1. The reduction in work hours for employees
3 was not based on a work week exceeding forty hours.

4 Sec. 9. Section 96.40, Code 2022, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 4A. Approval of a shared work plan shall
7 be revoked if the employer lays off any employee, whether the
8 employee is employed within an affected unit or not, while
9 participating in the shared work unemployment compensation
10 program.

11 NEW SUBSECTION. 12. A part-time employee shall be eligible
12 for shared work unemployment compensation program benefits,
13 provided that the employee meets all other requirements in this
14 section.>

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