

House File 2365 - Enrolled

House File 2365

AN ACT

RELATING TO CERTAIN NOTIFICATIONS ISSUED BY THE DEPARTMENT OF  
WORKFORCE DEVELOPMENT CONCERNING CLAIMS FOR UNEMPLOYMENT  
BENEFITS AND THE VOLUNTARY SHARED WORK PROGRAM, AND  
INCLUDING APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 96.6, subsection 2, Code 2020, is amended to read as follows:

2. *Initial determination.* A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of ~~mailing~~ issuing the notice of the filing of the claim ~~by ordinary mail to the last known address~~ to protest payment of benefits to the claimant. All interested parties shall select a format as specified by the department to receive such notifications. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to [section 96.5](#),

except as provided by [this subsection](#). The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to [section 96.5, subsection 1](#), was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the ~~claimant's last known address~~ issued, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 2. Section 96.40, subsection 2, paragraph e, Code 2020, is amended to read as follows:

e. The reduction in hours and corresponding reduction in wages must be applied equally to all employees in the affected unit for each week reported.

Sec. 3. Section 96.40, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. An employer may file an appeal in writing of a denial or approval of a plan or revocation of an approved plan by the department within thirty days from the date of the decision.

Sec. 4. Section 96.40, subsection 9, paragraph b, Code 2020, is amended to read as follows:

b. An employer may provide as part of the plan a training program the employees may attend during the hours that have been reduced. Such a training program may include a training program funded under the federal Workforce Investment Innovation and Opportunity Act, ~~of 1998~~, Pub. L. No. ~~105-220~~

113-128. If the employer is able to show that the training program will provide a substantive increase in the workplace and employability skills of the employee so as to reduce the potential for future periods of unemployment, the department shall relieve the employer of charges for benefits paid to the individual attending training under the plan. The employee may attend the training at the work site utilizing internal resources, provided the training is outside of the normal course of employment, or in conjunction with an educational institution.

Sec. 5. APPLICABILITY. The sections of this Act amending section 96.40 apply to all voluntary shared work plans approved by the department of workforce development on or after the effective date of this Act.

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PAT GRASSLEY  
Speaker of the House

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CHARLES SCHNEIDER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2365, Eighty-eighth General Assembly.

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MEGHAN NELSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2020

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KIM REYNOLDS  
Governor