

*See Labor 3/31/87
Commi (3693) & Be Pass 4/9/87 (p. 1241)*

FILED MAR 18 1987

SENATE FILE 449
BY COMMITTEE ON BUSINESS AND
LABOR RELATIONS
Approved (p 169)

Passed Senate, Date 3-25-87 (p. 906) Passed House, Date 4-14-87 (p. 1216)

Vote: Ayes 48 Nays 0 Vote: Ayes 93 Nays 0

Approved May 5, 1987 (p. 1712)

*Repassed Senate 4/21/87 (p. 1416)
43-0*

A BILL FOR

1 An Act relating to the operation and administration of the
2 department of employment services by correcting statutory
3 omissions, inaccuracies, and inconsistencies to reflect or
4 alter current practices, by limiting certain penalties, by
5 continuing the reimbursable status of certain enterprises and
6 businesses sold or transferred by reimbursable employers, and
7 by authorizing the release of certain job service information
8 to certain public or quasi-public officials and entities and
9 certain business and labor organizations.

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

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6/17/87

1 Section 1. Section 85.31, subsection 1, paragraph d,
2 unnumbered paragraph 2, Code 1987, is amended to read as
3 follows:

4 The weekly benefit amount shall not exceed a weekly benefit
5 amount, rounded to the nearest dollar, equal to sixty-six and
6 two-thirds percent of the statewide average weekly wage paid
7 employees as determined by ~~the division of job service of~~ the
8 department of employment services under ~~the provisions of~~
9 section 96.3 and in effect at the time of the injury;
10 ~~provided, that.~~ However, as of July 1, 1975; July 1, 1977;
11 July 1, 1979; and July 1, 1981, the maximum weekly benefit
12 amount rounded to the nearest dollar shall be increased so
13 that it equals one hundred percent, one hundred thirty-three
14 and one-third percent, one hundred sixty-six and two-thirds
15 percent and two hundred percent, respectively, of the
16 statewide average weekly wage as determined above. ~~However,~~
17 ~~the~~ The minimum weekly benefit amount shall be equal to the
18 weekly benefit amount of a person whose gross weekly earnings
19 are thirty-five percent of the statewide average weekly wage,
20 or to the spendable weekly earnings of the employee, whichever
21 are less. Such compensation shall be in addition to the
22 benefits provided by sections 85.27 and 85.28.

23 Sec. 2. Section 85.34, subsection 2, unnumbered paragraph
24 1, Code 1987, is amended to read as follows:

25 Compensation for permanent partial disability shall begin
26 at the termination of the healing period provided in
27 subsection 1 of this section. The compensation shall be in
28 addition to the benefits provided by sections 85.27 and 85.28.
29 The compensation shall be based upon the extent of the
30 disability and upon the basis of eighty percent per week of
31 the employee's average weekly spendable earnings, but not more
32 than a weekly benefit amount, rounded to the nearest dollar,
33 equal to sixty-one and one-third percent of the statewide
34 average weekly wage paid employees as determined by the
35 ~~division of job service of~~ the department of employment

1 services under section 96.3 and in effect at the time of the
2 injury, ~~provided that.~~ However, as of July 1, 1975; July 1,
3 1977; July 1, 1979; and July 1, 1981, the maximum weekly
4 benefit amount rounded to the nearest dollar shall be
5 increased so that it equals ninety-two percent, one hundred
6 twenty-two and two-thirds percent, one hundred fifty-three and
7 one-third percent, and one hundred eighty-four percent,
8 respectively, of the statewide average weekly wage as
9 determined above. ~~However, the~~ The minimum weekly benefit
10 amount shall be equal to the weekly benefit amount of a person
11 whose gross weekly earnings are thirty-five percent of the
12 statewide average weekly wage, or to the spendable weekly
13 earnings of the employee, whichever are less. However, if the
14 employee is a minor or a full-time student under the age of
15 twenty-five in an accredited educational institution, the
16 minimum weekly benefit amount shall be equal to the weekly
17 benefit amount of a person whose gross weekly earnings are
18 thirty-five percent of the statewide average weekly wage. For
19 all cases of permanent partial disability compensation shall
20 be paid as follows:

21 Sec. 3. Section 85.34, subsection 3, unnumbered paragraph
22 1, Code 1987, is amended to read as follows:

23 Compensation for an injury causing permanent total
24 disability shall be upon the basis of eighty percent per week
25 of the employee's average weekly spendable earnings, but not
26 more than a weekly benefit amount, rounded to the nearest
27 dollar, equal to sixty-six and two-thirds percent of the
28 statewide average weekly wage paid employees as determined by
29 ~~the commissioner of the division of job service of the~~
30 department of employment services under section 96.3 and in
31 effect at the time of the injury, ~~provided that.~~ However, as
32 of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981,
33 the maximum weekly benefit amount rounded to the nearest
34 dollar shall be increased so that it equals one hundred
35 percent, one hundred thirty-three and one-third percent, one

1 hundred sixty-six and two-thirds percent and two hundred
2 percent, respectively, of the statewide average weekly wage as
3 determined above. ~~However, the~~ The minimum weekly benefit
4 amount is equal to the weekly benefit amount of a person whose
5 gross weekly earnings are thirty-five percent of the statewide
6 average weekly wage, or to the spendable weekly earnings of
7 the employee, whichever are less. However, if the employee is
8 a minor or a full-time student under the age of twenty-five in
9 an accredited educational institution the minimum weekly
10 benefit amount shall be equal to the weekly benefit amount of
11 a person whose gross weekly earnings are thirty-five percent
12 of the statewide average weekly wage. The weekly compensation
13 is payable during the period of the employee's disability.

14 Sec. 4. Section 85.37, unnumbered paragraph 1, Code 1987,
15 is amended to read as follows:

16 If an employee receives a personal injury causing temporary
17 total disability, or causing a permanent partial disability
18 for which compensation is payable during a healing period,
19 compensation for the temporary total disability or for the
20 healing period shall be upon the basis provided in this
21 section. The weekly benefit amount payable to any employee
22 for any one week shall be upon the basis of eighty percent of
23 the employee's weekly spendable earnings, but shall not exceed
24 an amount, rounded to the nearest dollar, equal to sixty-six
25 and two-thirds percent of the statewide average weekly wage
26 paid employees as determined by ~~the division of job service of~~
27 the department of employment services under section 96.3 and
28 in effect at the time of the injury ~~provided that.~~ However,
29 as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1,
30 1981, the maximum weekly benefit amount rounded to the nearest
31 dollar shall be increased so that it equals one hundred
32 percent, one hundred thirty-three and one-third percent, one
33 hundred sixty-six and two-thirds percent, and two hundred
34 percent, respectively, of the statewide average weekly wage as
35 determined above. Total weekly compensation for any employee

1 shall not exceed eighty percent per week of the employee's
2 weekly spendable earnings. ~~However, the~~ The minimum weekly
3 benefit amount shall be equal to the weekly benefit amount of
4 a person whose gross weekly earnings are thirty-five percent
5 of the statewide average weekly wage, or to the spendable
6 weekly earnings of the employee, whichever ~~is~~ are less.

7 Sec. 5. Section 85.59, unnumbered paragraph 3, Code 1987,
8 is amended to read as follows:

9 If an inmate is permanently incapacitated by injury in the
10 performance of the inmate's work in connection with the
11 maintenance of the institution or in an industry maintained
12 ~~therein~~ in the institution, while on detail to perform
13 services on a public works project, or is permanently or
14 temporarily incapacitated in connection with the performance
15 of unpaid community service under sections 907.13 and 910.2 or
16 a work assignment of value to the state or to the public under
17 chapter 232, that inmate shall be awarded only the benefits
18 provided in section 85.27 and section 85.34, subsections 2 and
19 3. The weekly rate for such permanent disability is equal to
20 sixty-six and two-thirds percent of the state average weekly
21 wage paid employees as determined by ~~the division of job~~
22 ~~service of~~ the department of employment services under section
23 96.3 and in effect at the time of the injury.

24 Sec. 6. Section 85.59, unnumbered paragraph 6, Code 1987,
25 is amended to read as follows:

26 If death results from the injury, death benefits shall be
27 awarded and paid to the dependents of the inmate as in other
28 workers' compensation cases except that the weekly rate shall
29 be equal to sixty-six and two-thirds percent of the state
30 average weekly wage paid employees as determined by ~~the~~
31 ~~division of job service of~~ the department of employment
32 services under section 96.3 and in effect at the time of the
33 injury.

34 Sec. 7. Section 88A.10, subsection 2, Code 1987, is
35 amended to read as follows:

1 2. Any A person who interferes with, impedes, or obstructs
2 in any manner the commissioner ~~or any authorized~~
3 ~~representative of the division~~ in the performance of the
4 commissioner's ~~or representative's~~ duties under this chapter
5 is guilty of a simple misdemeanor. Any A person who bribes or
6 attempts to bribe the commissioner ~~or the commissioner's~~
7 ~~designee shall be~~ is subject to section 722.1.

8 Sec. 8. Section 92.22, Code 1987, is amended to read as
9 follows:

10 92.22 LABOR COMMISSIONER TO ENFORCE.

11 ~~It shall be the duty of the~~ The labor commissioner, ~~the~~
12 ~~labor commissioner's deputies, inspectors, and assistants, to~~
13 shall enforce ~~the provisions of~~ this chapter. ~~It shall also~~
14 ~~be the duty of all mayors~~ Mayors and police officers, ~~city~~
15 ~~marshals, sheriffs, and their deputies, school~~
16 ~~superintendents, and school truant and attendance officers,~~
17 within their several jurisdictions, to shall co-operate in the
18 enforcement of ~~such provisions~~ this chapter and furnish the
19 commissioner, and the commissioner's ~~deputies and assistants~~
20 designees with all information coming to their knowledge
21 regarding ~~any~~ violations of ~~such provisions~~ this chapter. All
22 such officers and any person authorized in writing by any a
23 court of record shall have the authority to enter, for the
24 purpose of investigation, any of the establishments and places
25 mentioned in this chapter and to freely question any person
26 therein as to any violations of ~~such provisions~~ this chapter.

27 ~~it shall be the duty of county~~ County attorneys to shall
28 investigate all complaints made to them of violations of ~~any~~
29 ~~such provisions~~ this chapter, and to prosecute all such cases
30 of violation within their respective counties.

31 Sec. 9. Section 96.3, subsection 4, unnumbered paragraph
32 3, Code 1987, is amended to read as follows:

33 For the purposes of this subsection, statewide average
34 weekly wage means the amount computed by the commissioner
35 department of employment services at least once a year on the

1 basis of the aggregate amount of wages reported by employers
2 in each preceding twelve-month period ending on December 31
3 and divided by the figure that results from fifty-two times
4 the average of mid-month employment reported by employers for
5 the same period. In determining the aggregate amount of wages
6 paid statewide, the commissioner department of employment
7 services shall disregard any limitation on the amount of wages
8 subject to contributions under state law.

9 Sec. 10. Section 96.7, subsection 8, Code 1987, is amended
10 by adding the following new lettered paragraphs:

11 NEW LETTERED PARAGRAPH. e. If an enterprise or business
12 of a reimbursable government entity is sold or otherwise
13 transferred to a subsequent employing unit and the successor
14 employing unit continues to operate the enterprise or
15 business, the successor employing unit shall assume the
16 position of the reimbursable government entity with respect to
17 the reimbursable government entity's payroll and reimbursable
18 benefits to the same extent as if no change in the ownership
19 or control of the enterprise or business had occurred, whether
20 or not the successor employer elected or elects, or was or is
21 eligible to elect, to become a reimbursable employer with
22 respect to the employer's payroll prior to the sale or
23 transfer of the enterprise or business.

24 NEW LETTERED PARAGRAPH. f. If a reimbursable
25 instrumentality of the state or of a political subdivision is
26 discontinued other than by sale or transfer to a subsequent
27 employing unit as described in paragraph "e", the state or the
28 political subdivision, respectively, shall reimburse the
29 division of job service for benefits paid to former employees
30 of the instrumentality after the instrumentality is
31 discontinued.

32 Sec. 11. Section 96.7, subsection 9, paragraph b, Code
33 1987, is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. (6) If an enterprise or business of a
35 reimbursable nonprofit organization is sold or otherwise

1 transferred to a subsequent employing unit and the successor
2 employing unit continues to operate the enterprise or
3 business, the successor employing unit shall assume the
4 position of the reimbursable nonprofit organization with
5 respect to the nonprofit organization's payroll and
6 reimbursable benefits to the same extent as if no change in
7 the ownership or control of the enterprise or business had
8 occurred, whether or not the successor employer elected or
9 elects, or was or is eligible to elect, to become a
10 reimbursable employer with respect to the employer's payroll
11 prior to the sale or transfer of the enterprise or business.

12 Sec. 12. Section 96.11, subsection 7, paragraph c, Code
13 1987, is amended by adding the following new subparagraphs:

14 NEW SUBPARAGRAPH. (7) An employee of the department of
15 employment services, a member of the general assembly, or a
16 member of the United States congress in connection with the
17 employee's or member's official duties.

18 NEW SUBPARAGRAPH. (8) A political subdivision, government
19 entity, or nonprofit organization having an interest in the
20 administration of job training programs established pursuant
21 to the federal Job Training Partnership Act.

22 NEW SUBPARAGRAPH. (9) An employee of a business or labor
23 organization having in excess of one hundred members.

24 EXPLANATION

25 Sections 1 through 6 and 9 provide that the statewide
26 average weekly wage is to be computed annually by the
27 department of employment services rather than the job service
28 commissioner or the division of job service.

29 Section 7 narrows the application of the criminal penalty
30 for interference with official acts relating to the regulation
31 of amusement rides, to interference with the acts of the labor
32 commissioner rather than the acts of representatives or
33 designees.

34 Section 8 substitutes the term "designee" for the terms
35 "deputy" and "assistant", with respect to enforcement of

1 certain laws under the jurisdiction of the labor commissioner.
2 Sections 10 and 11 provide that an enterprise or business
3 sold or transferred by a reimbursable government entity or
4 nonprofit organization retains the reimbursable distinction in
5 the hands of the successor employer, even though the successor
6 employer does not elect or cannot elect such reimbursable
7 status. Section 10 also provides that the state or a
8 political subdivision is responsible for reimbursable benefits
9 payable to former employees of an instrumentality of the state
10 or the political subdivision if the instrumentality is
11 discontinued.

12 Section 12 authorizes the division of job service to make
13 available employer and employee information to department of
14 employment services' employees, members of the legislature and
15 of congress; political subdivisions, government entities, and
16 nonprofit organizations involved in federal Job Training
17 Partnership Act programs; and employees of a business or labor
18 organization with more than 100 members.

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SENATE FILE 449

H-3683

1 Amend Senate File 449 as passed by the Senate as
2 follows:
3 1. Page 7, line 22, by striking the words "An
4 employee" and inserting the following: "A designated
5 representative".

BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

H-3683 FILED APRIL 9, 1987
(Adopted 4/14/87 (p. 1316))

HOUSE AMENDMENT TO
SENATE FILE 449

S-3648

1 Amend Senate File 449 as passed by the Senate as
2 follows:
3 1. Page 7, line 22, by striking the words "An
4 employee" and inserting the following: "A designated
5 representative".

S-3648
Filed April 16, 1987,
Senate concurred 4/21/87 (p. 1416)

RECEIVED FROM THE HOUSE

SENATE FILE 449

AN ACT

RELATING TO THE OPERATION AND ADMINISTRATION OF THE DEPARTMENT OF EMPLOYMENT SERVICES BY CORRECTING STATUTORY OMISSIONS, INACCURACIES, AND INCONSISTENCIES TO REFLECT OR ALTER CURRENT PRACTICES, BY LIMITING CERTAIN PENALTIES, BY CONTINUING THE REIMBURSABLE STATUS OF CERTAIN ENTERPRISES AND BUSINESSES SOLD OR TRANSFERRED BY REIMBURSABLE EMPLOYERS, AND BY AUTHORIZING THE RELEASE OF CERTAIN JOB SERVICE INFORMATION TO CERTAIN PUBLIC OR QUASI-PUBLIC OFFICIALS AND ENTITIES AND CERTAIN BUSINESS AND LABOR ORGANIZATIONS.

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

Section 1. Section 85.31, subsection 1, paragraph d, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The weekly benefit amount shall not exceed a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the ~~division of job service of~~ the department of employment services under the ~~provisions of~~ section 96.3 and in effect at the time of the injury; ~~provided that.~~ However, as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the statewide average weekly wage as determined above. ~~However,~~ the ~~The~~ minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever

are less. Such compensation shall be in addition to the benefits provided by sections 85.27 and 85.28.

Sec. 2. Section 85.34, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Compensation for permanent partial disability shall begin at the termination of the healing period provided in subsection 1 of this section. The compensation shall be in addition to the benefits provided by sections 85.27 and 85.28. The compensation shall be based upon the extent of the disability and upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-one and one-third percent of the statewide average weekly wage paid employees as determined by the ~~division of job service of~~ the department of employment services under section 96.3 and in effect at the time of the injury; ~~provided that.~~ However, as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals ninety-two percent, one hundred twenty-two and two-thirds percent, one hundred fifty-three and one-third percent, and one hundred eighty-four percent, respectively, of the statewide average weekly wage as determined above. ~~However,~~ the ~~The~~ minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less. However, if the employee is a minor or a full-time student under the age of twenty-five in an accredited educational institution, the minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. For all cases of permanent partial disability compensation shall be paid as follows:

Sec. 3. Section 85.34, subsection 3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the commissioner of the division of job services of the department of employment services under section 96.3 and in effect at the time of the injury; provided that, ~~However,~~ as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the statewide average weekly wage as determined above. ~~However, the~~ the minimum weekly benefit amount is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less. However, if the employee is a minor or a full-time student under the age of twenty-five in an accredited educational institution the minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. The weekly compensation is payable during the period of the employee's disability.

Sec. 4. Section 85.37, unnumbered paragraph 1, Code 1987, is amended to read as follows:

If an employee receives a personal injury causing temporary total disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for the temporary total disability or for the healing period shall be upon the basis provided in this

section. The weekly benefit amount payable to any employee for any one week shall be upon the basis of eighty percent of the employee's weekly spendable earnings, but shall not exceed an amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the division of job services of the department of employment services under section 96.3 and in effect at the time of the injury provided that, ~~However,~~ as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent, and two hundred percent, respectively, of the statewide average weekly wage as determined above. Total weekly compensation for any employee shall not exceed eighty percent per week of the employee's weekly spendable earnings. ~~However, the~~ the minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less.

Sec. 5. Section 85.59, unnumbered paragraph 3, Code 1987, is amended to read as follows:

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution or in an industry maintained therein in the institution, while on detail to perform services on a public works project, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to sixty-six and two thirds percent of the state average weekly

wage paid employees as determined by ~~the division of job service~~ of the department of employment services under section 96.3 and in effect at the time of the injury.

Sec. 6. Section 85.59, unnumbered paragraph 6, Code 1987, is amended to read as follows:

If death results from the injury, death benefits shall be awarded and paid to the dependents of the inmate as in other workers' compensation cases except that the weekly rate shall be equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the ~~division of job service~~ of the department of employment services under section 96.3 and in effect at the time of the injury.

Sec. 7. Section 88A.10, subsection 2, Code 1987, is amended to read as follows:

2. Any A person who interferes with, impedes, or obstructs in any manner the commissioner or ~~any authorized representative of the division~~ in the performance of the commissioner's or ~~representative's~~ duties under this chapter is guilty of a simple misdemeanor. Any A person who bribes or attempts to bribe the commissioner or ~~the commissioner's designee~~ shall be is subject to section 722.1.

Sec. 8. Section 92.22, Code 1987, is amended to read as follows:

92.22 LABOR COMMISSIONER TO ENFORCE.

~~It shall be the duty of the~~ The labor commissioner, ~~the labor commissioner's deputies, inspectors, and assistants, to~~ shall enforce the provisions of this chapter. ~~It shall also be the duty of all mayors, Mayors~~ and police officers, city ~~marshals, sheriffs, and their deputies, school superintendents, and school truant and attendance officers,~~ within their several jurisdictions, to shall cooperate in the enforcement of such provisions this chapter and furnish the commissioner and the commissioner's ~~deputies and assistants~~ designees with all information coming to their knowledge

regarding any violations of such provisions this chapter. All such officers and any person authorized in writing by any a court of record shall have the authority to enter, for the purpose of investigation, any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of such provisions this chapter.

~~It shall be the duty of county~~ County attorneys to shall investigate all complaints made to them of violations of any such provisions this chapter, and to prosecute all such cases of violation within their respective counties.

Sec. 9. Section 96.3, subsection 4, unnumbered paragraph 3, Code 1987, is amended to read as follows:

For the purposes of this subsection, statewide average weekly wage means the amount computed by the commissioner department of employment services at least once a year on the basis of the aggregate amount of wages reported by employers in each preceding twelve-month period ending on December 31 and divided by the figure that results from fifty-two times the average of mid-month employment reported by employers for the same period. In determining the aggregate amount of wages paid statewide, the commissioner department of employment services shall disregard any limitation on the amount of wages subject to contributions under state law.

Sec. 10. Section 96.7, subsection 8, Code 1987, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. e. If an enterprise or business of a reimbursable government entity is sold or otherwise transferred to a subsequent employing unit and the successor employing unit continues to operate the enterprise or business, the successor employing unit shall assume the position of the reimbursable government entity with respect to the reimbursable government entity's payroll and reimbursable benefits to the same extent as if no change in the ownership or control of the enterprise or business had occurred, whether or not the successor employer elected or elects, or was or is

eligible to elect, to become a reimbursable employer with respect to the employer's payroll prior to the sale or transfer of the enterprise or business.

NEW LETTERED PARAGRAPH. f. If a reimbursable instrumentality of the state or of a political subdivision is discontinued other than by sale or transfer to a subsequent employing unit as described in paragraph "e", the state or the political subdivision, respectively, shall reimburse the division of job service for benefits paid to former employees of the instrumentality after the instrumentality is discontinued.

Sec. 11. Section 96.7, subsection 9, paragraph b, Code 1987, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) If an enterprise or business of a reimbursable nonprofit organization is sold or otherwise transferred to a subsequent employing unit and the successor employing unit continues to operate the enterprise or business, the successor employing unit shall assume the position of the reimbursable nonprofit organization with respect to the nonprofit organization's payroll and reimbursable benefits to the same extent as if no change in the ownership or control of the enterprise or business had occurred, whether or not the successor employer elected or elects, or was or is eligible to elect, to become a reimbursable employer with respect to the employer's payroll prior to the sale or transfer of the enterprise or business.

Sec. 12. Section 96.11, subsection 7, paragraph c, Code 1987, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (7) An employee of the department of employment services, a member of the general assembly, or a member of the United States congress in connection with the employee's or member's official duties.

NEW SUBPARAGRAPH. (8) A political subdivision, government entity, or nonprofit organization having an interest in the administration of job training programs established pursuant to the federal Job Training Partnership Act.

NEW SUBPARAGRAPH. (9) A designated representative of a business or labor organization having in excess of one hundred members.

.....
JO ANN ZIMMERMAN
President of the Senate

.....
DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 449, Seventy-second General Assembly.

Approved *May 5* 1987

.....
JOHN F. DWYER
Secretary of the Senate

.....
TERRY E. BRANSTAD
Governor