

3/5/91 L. P. 4/4 (p 1067)

306

Place On Calendar

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 106)

Passed House, Date 3/1/91 (p 508) Passed Senate, Date 4/16/91 (p 1260)
Vote: Ayes 92 Nays 0 Vote: Ayes 50 Nays 0
Approved April 23, 1991 (p 1472)

A BILL FOR

- 1 An Act relating to the collateral effect of job service division
- 2 determinations regarding claims for unemployment benefits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 306

1 Section 1. Section 96.6, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. EFFECT OF DETERMINATION. A finding of
4 fact or law, judgment, conclusion, or final order made
5 pursuant to this section by an employee or representative of
6 the division, administrative law judge, or the employment
7 appeal board, is binding only upon the parties to proceedings
8 brought under this chapter, and is not binding upon any other
9 proceedings or action involving the same facts brought by the
10 same or related parties before the division of labor services,
11 division of industrial services, other state agency,
12 arbitrator, court, or judge of this state or the United
13 States.

14 EXPLANATION

15 This bill provides that determinations regarding claims for
16 unemployment benefits made by the department of employment
17 services' division of job service, administrative law judge,
18 or employment appeal board are binding only upon proceedings
19 brought under chapter 96 relating to unemployment benefits.
20 The bill provides that such determinations are not binding
21 upon any other state agency or division, arbitrator, court, or
22 judge. This allows separate actions to be brought by the sam
23 or related parties who are involved in the circumstances which
24 were the subject of the determination regarding benefits made
25 by the job service division.

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Brammer, Ch.

Beatty
Jochum
Miss Klean
Mullage

HSB 106

MWB

LABOR & INDUSTRIAL RELATIONS

SENATE/HOUSE FILE 306

BY (PROPOSED DEPARTMENT OF
EMPLOYMENT SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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22 judge. This allows separate actions to be brought by the same
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24 were the subject of the determination regarding benefits made
25 by the job service division.

26 BACKGROUND STATEMENT

27 SUBMITTED BY THE AGENCY

28 This bill eliminates the collateral estoppel provision for
29 job service determinations. When an individual is discharged
30 from employment often the first administrative decision the
31 individual receives is a job service decision allowing or
32 denying unemployment compensation benefits. In some instances
33 this decision is used to discourage or bar other actions
34 related to the discharge between the same or related parties.
35 Iowa law requires prompt payment of unemployment compensation

1 benefits and the decision to allow or deny benefits often does
2 not include the detailed evidentiary proceedings employed in
3 other actions.

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HOUSE FILE 306

AN ACT
RELATING TO THE COLLATERAL EFFECT OF JOB SERVICE
DIVISION DETERMINATIONS REGARDING CLAIMS FOR
UNEMPLOYMENT BENEFITS.

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

Section 1. Section 96.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. EFFECT OF DETERMINATION. A finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of the division, administrative law judge, or the employment appeal board, is binding only upon the parties to proceedings brought under this chapter, and is not binding upon any other proceedings or action involving the same facts brought by the same or related parties before the division of labor services, division of industrial services, other state agency,

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 306, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 22, 1991

TERRY E. BRANSTAD
Governor

HF 306