

FILED MAR 5 1997

SENATE FILE 304
BY KING

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to unemployment compensation benefits concerning
2 proof of whether a person has voluntarily quit employment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 304

1 Section 1. Section 96.6, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. INITIAL DETERMINATION. A representative designated by
4 the director shall promptly notify all interested parties to
5 the claim of its filing, and the parties have ten days from
6 the date of mailing the notice of the filing of the claim by
7 ordinary mail to the last known address to protest payment of
8 benefits to the claimant. The representative shall promptly
9 examine the claim and any protest, take the initiative to
10 ascertain relevant information concerning the claim, and, on
11 the basis of the facts found by the representative, shall
12 determine whether or not the claim is valid, the week with
13 respect to which benefits shall commence, the weekly benefit
14 amount payable and its maximum duration, and whether any
15 disqualification shall be imposed. The claimant has the
16 burden of proving that the claimant meets the basic
17 eligibility conditions of section 96.4. The employer has the
18 burden of proving that the claimant is disqualified for
19 benefits pursuant to section 96.5. However, the claimant has
20 the initial burden to produce evidence showing that the
21 claimant is not disqualified for benefits in cases involving
22 section 96.5, ~~subsection 1, paragraphs "a" through "h",~~ and
23 subsection 10, and has the burden of proving that a voluntary
24 quit pursuant to section 96.5, subsection 1, was for good
25 cause attributable to the employer and that the claimant is
26 not disqualified for benefits in cases involving section 96.5,
27 subsection 1, paragraphs "a" through "h". Unless the claimant
28 or other interested party, after notification or within ten
29 calendar days after notification was mailed to the claimant's
30 last known address, files an appeal from the decision, the
31 decision is final and benefits shall be paid or denied in
32 accordance with the decision. If an administrative law judge
33 affirms a decision of the representative, or the appeal board
34 affirms a decision of the administrative law judge allowing
35 benefits, the benefits shall be paid regardless of any appeal.

1 which is thereafter taken, but if the decision is finally
2 reversed, no employer's account shall be charged with benefits
3 so paid and this relief from charges shall apply to both
4 contributory and reimbursable employers, notwithstanding
5 section 96.8, subsection 5.

6 EXPLANATION

7 This bill provides that a claimant seeking unemployment
8 benefits has the burden of proving, to establish that the
9 claimant is not disqualified for benefits, that if the
10 claimant voluntarily quit employment, it was for good cause
11 attributable to the employer and that the claimant is
12 otherwise eligible for benefits pursuant to an exception to a
13 disqualification for benefits for voluntarily quitting work as
14 provided in Code section 96.5, subsection 1, paragraphs "a"
15 through "h".

16 Current law provides that the claimant only has the initial
17 burden to produce evidence showing that the claimant is
18 otherwise eligible for benefits pursuant to an exception to a
19 disqualification for benefits for voluntarily quitting work as
20 provided in Code section 96.5, subsection 1, paragraphs "a"
21 through "h".

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