

H. 3/20/97 Ind. Rel.
H. 2/10/98 Do Pass
FILED MAR 17 1997
H. 3/20/98 Unfinished Bus. Code

SENATE FILE **492**
BY COMMITTEE ON BUSINESS
AND LABOR

(SUCCESSOR TO SF 304)

Passed Senate, Date 3/24/97 (p. 762) Passed House, Date 4-13-98
Vote: Ayes 29 Nays 19 Vote: Ayes 56 Nays 43
Approved May 5, 1998

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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SENATE FILE 492

S-3189

1 Amend Senate File 492 as follows:
2 1. Page 1, line 28, by inserting after the words
3 "through "h"." the following: "The employer has the
4 initial burden to produce evidence showing that a
5 voluntary quit pursuant to section 96.5, subsection 1,
6 was not for good cause attributable to the employer
7 and that the claimant is disqualified for benefits in
8 cases involving section 96.5, subsection 1, paragraphs
9 "a" through "h".

By DICK L. DEARDEN

S-3189 FILED MARCH 20, 1997
Last 3/24/97 (p. 761)

S.F. 492

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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, except as provided by this
20 subsection. ~~However, the~~ The claimant has the initial burden
21 to produce evidence showing that the claimant is not
22 disqualified for benefits in cases involving section 96.5,
23 ~~subsection 1, paragraphs "a" through "h", and~~ subsection 10,
24 and has the burden of proving that a voluntary quit pursuant
25 to section 96.5, subsection 1, was for good cause attributable
26 to the employer and that the claimant is not disqualified for
27 benefits in cases involving section 96.5, subsection 1,
28 paragraphs "a" through "h". Unless the claimant or other
29 interested party, after notification or within ten calendar
30 days after notification was mailed to the claimant's last
31 known address, files an appeal from the decision, the decision
32 is final and benefits shall be paid or denied in accordance
33 with the decision. If an administrative law judge affirms a
34 decision of the representative, or the appeal board affirms a
35 decision of the administrative law judge allowing benefits,

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

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EXPLANATION

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

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

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SENATE FILE 492

H-8040

1 Amend Senate File 492, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 96.5, subsection 1, Code
 6 Supplement 1997, is amended by adding the following
 7 new paragraphs:
 8 NEW PARAGRAPH. k. The individual has left
 9 employment following a substantial change in the
 10 contract of hire with the employer. For purposes of
 11 this paragraph, a "substantial change in the contract
 12 of hire" includes, but is not limited to, changes in
 13 working hours, shifts, remuneration, location of
 14 employment, and significant modification in the work
 15 required of the individual.
 16 NEW PARAGRAPH. l. The individual has left
 17 employment due to unsafe working conditions.
 18 NEW PARAGRAPH. m. The individual has left
 19 employment due to unlawful working conditions.
 20 NEW PARAGRAPH. n. The individual has left
 21 employment due to intolerable or detrimental working
 22 conditions."
 23 2. Title page, line 1, by inserting after the
 24 word "concerning" the following: "the establishment
 25 of and".
 26 3. By renumbering as necessary.

By DOTZLER of Black Hawk

H-8040 FILED FEBRUARY 12, 1998

Lost 4/13/98 (P.1549)

SENATE FILE 492

H-8041

1 Amend Senate File 492, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 28, by striking the word "h"
 4 and inserting the following: "g".

By CONNORS of Polk

H-8041 FILED FEBRUARY 12, 1998

*Lost 4/13/98
(P.1552)*

SENATE FILE 492

H-8025

1 Amend Senate File 492, as passed by the Senate, as
2 follows:
3 1. Page 1, line 15, by inserting after the word
4 "imposed." the following: "The representative, in
5 ascertaining any relevant information concerning the
6 claims, shall obtain and make available to all parties
7 all relevant information from the employer that the
8 claimant indicates is necessary to meet the claimant's
9 burden as required under this subsection."

By TAYLOR of Linn

H-8025 FILED FEBRUARY 10, 1998

W/D 4/13/98 (p.1550)

SENATE FILE 492

H-8029

1 Amend Senate File 492, as passed by the Senate, as
2 follows:
3 1. Page 1, line 28, by inserting after the words
4 "through "h"." the following: "The employer has the
5 initial burden to produce evidence showing that a
6 voluntary quit pursuant to section 96.5, subsection 1,
7 was not for good cause attributable to the employer
8 and that the claimant is disqualified for benefits in
9 cases involving section 96.5, subsection 1, paragraphs
10 "a" through "h"."

By FALCK of Fayette

H-8029 FILED FEBRUARY 10, 1998

lost 4/13/98 (p.1552)

SENATE FILE 492

H-8039

1 Amend Senate File 492, as passed by the Senate, as
2 follows:
3 1. Page 1, line 15, by inserting after the word
4 "imposed." the following: "The employer shall obtain
5 and make available to the claimant all relevant
6 information from the employer that the claimant
7 indicates is necessary to meet the claimant's burden
8 as required under this subsection."

By DOTZLER of Black Hawk

H-8039 FILED FEBRUARY 12, 1998

W/D 4/13/98
(p.1550)

H-9124

1 Amend Senate File 492, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 96.4, subsection 4, Code 1997,
6 is amended to read as follows:

7 4. ~~The individual has been paid wages for insured~~
8 ~~work during the individual's base period in an amount~~
9 ~~at least one and one-quarter times the wages paid to~~
10 ~~the individual during that quarter of the individual's~~
11 ~~base period in which the individual's wages were~~
12 ~~highest, provided that the individual has been paid~~
13 ~~wages for insured work~~ totaling at least three and
14 five-tenths percent of the statewide average annual
15 wage for insured work, computed for the preceding
16 calendar year if the individual's benefit year begins
17 on or after the first full week in July and computed
18 for the second preceding calendar year if the
19 individual's benefit year begins before the first full
20 week in July, in that calendar quarter in the
21 individual's base period in which the individual's
22 wages were highest, and the individual has been paid
23 wages for insured work totaling at least one-half of
24 the amount of wages required under this subsection in
25 the calendar quarter of the base period in which the
26 individual's wages were highest, in a calendar quarter
27 in the individual's base period other than the
28 calendar quarter in which the individual's wages were
29 highest. The calendar quarter wage requirements shall
30 be rounded to the nearest multiple of ten dollars.

31 If the individual has drawn benefits in any benefit
32 year, the individual must during or subsequent to that
33 year, work in and be paid wages for insured work
34 totaling at least two hundred fifty dollars, as a
35 condition to receive benefits in the next benefit
36 year."

37 2. Page 2, by inserting after line 6 the
38 following:

39 "Sec. ____ . Section 96.29, subsection 1, paragraph
40 c, Code 1997, is amended by striking the paragraph."

41 3. By renumbering as necessary.

By TAYLOR of Linn

H-9124 FILED APRIL 13, 1998

Lost 4/13/98 (p.1549)

SENATE FILE 492

H-9133

1 Amend Senate File 492, as passed by the Senate, as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 "imposed." the following: "The employer shall obtain
5 and make available to the claimant all relevant
6 information from the employer that the claimant
7 indicates is necessary to meet the claimant's burden
8 as required under this subsection."

By HOLVECK of Polk

H-9133 FILED APRIL 13, 1998

Lost 4/13/98
(p.1552)

SENATE FILE 492

H-9110

1 Amend Senate File 492, as passed by the Senate, as
2 follows:

3 1. Page 1, line 23, by striking the words
4 "subsection 10," and inserting the following:

5 "subsection 10."

6 2. Page 1, line 24, by striking the words "and"
7 and inserting the following: "The claimant also".

8 3. Page 1, line 28, by inserting after the words
9 "through "h" the following: ", but only after the

10 employer has produced clear and convincing evidence
11 that the employer made available to the claimant

12 information, in a manner and form prescribed by the
13 department, that explained a potential claimant's

14 rights and responsibilities upon filing a claim for
15 unemployment benefits, including the claimant's burden

16 of proof as established in this section. However, if
17 the employer does not produce clear and convincing

18 evidence that the employer made available to the
19 claimant information as required by this subsection,

20 the claimant shall not be disqualified for benefits
21 pursuant to section 96.5".

By TAYLOR of Linn

H-9110 FILED APRIL 9, 1998

Last
4-13-98 (p.1551)

SENATE FILE 492

H-9111

1 Amend Senate File 492, as passed by the Senate, as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 "imposed." the following: "The employer shall obtain

5 and make available to the claimant all relevant
6 information from the employer that the claimant

7 indicates is necessary to meet the claimant's burden
8 as required under this subsection. However, if the

9 employer does not make available to the claimant
10 information as required by this subsection, the

11 claimant shall not be disqualified for benefits
12 pursuant to section 96.5".

By DOTZLER of Black Hawk

H-9111 FILED APRIL 9, 1998

Last 4/13/98
(p.1551)

SENATE FILE 492

AN ACT

RELATING TO UNEMPLOYMENT COMPENSATION BENEFITS CONCERNING
PROOF OF WHETHER A PERSON HAS VOLUNTARILY QUIT EMPLOYMENT.

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

Section 1. Section 96.6, subsection 2, Code 1997, 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 the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. 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. ~~However, the~~ The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h", and subsection 10, 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, 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.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 492, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved May 5, 1998

TERRY E. BRANSTAD
Governor