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w/H. 8079

JAN 27 2000

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE

2089

BY DODERER, JOCHUM, MURPHY,
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and DOTZLER

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

A BILL FOR

1 An Act providing unemployment compensation benefits to
2 individuals who quit employment due to domestic violence.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2089

1 Section 1. Section 96.5, subsection 1, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. k. The individual left employment due to
4 domestic violence perpetrated against the individual,
5 including domestic abuse as defined in section 236.2, which
6 the individual reasonably believed was necessary to protect
7 the safety of the individual. All evidence of domestic
8 violence experienced by an individual, including the
9 individual's statement and any corroborating evidence, shall
10 not be disclosed by the department, except to the parties in a
11 benefits contested case proceeding, unless consent for
12 disclosure is granted in writing by the individual. Benefits
13 related to wage credits earned with the employer that the
14 individual has left shall be charged to the unemployment
15 compensation fund. This paragraph applies to both
16 contributory and reimbursable employers, notwithstanding
17 section 96.8, subsection 5.

18 Sec. 2. Section 96.6, subsection 2, Code 1999, is amended
19 to read as follows:

20 2. INITIAL DETERMINATION. A representative designated by
21 the director shall promptly notify all interested parties to
22 the claim of its filing, and the parties have ten days from
23 the date of mailing the notice of the filing of the claim by
24 ordinary mail to the last known address to protest payment of
25 benefits to the claimant. The representative shall promptly
26 examine the claim and any protest, take the initiative to
27 ascertain relevant information concerning the claim, and, on
28 the basis of the facts found by the representative, shall
29 determine whether or not the claim is valid, the week with
30 respect to which benefits shall commence, the weekly benefit
31 amount payable and its maximum duration, and whether any
32 disqualification shall be imposed. The claimant has the
33 burden of proving that the claimant meets the basic
34 eligibility conditions of section 96.4. The employer has the
35 burden of proving that the claimant is disqualified for

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

23 EXPLANATION

24 This bill provides that a person who quits employment due
25 to domestic violence can receive unemployment compensation
26 benefits. The bill provides that domestic violence includes
27 domestic abuse as defined in Code section 236.2. The bill
28 requires that the person establish that the person reasonably
29 believed quitting was necessary to protect the person's
30 safety. The bill provides that the unemployment compensation
31 fund, and not the employer, will be charged for unemployment
32 benefits paid due to domestic violence. The bill also
33 provides that the department of workforce development not
34 release evidence presented by the individual to support
35 benefits under this provision, except to the parties in a

1 contested case proceeding, unless the individual consents in
2 writing.

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