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LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 2250
BY HATCH, T. TAYLOR, D. TAYLOR,
DOTZLER, LARKIN, SMITH, TREMMEL,
FOEGE, COHOON, KUHN, MERTZ,
FALLON, WINCKLER, LENSING,
and MASCHER

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

A BILL FOR

1 An Act concerning the department of workforce development by
2 providing for required services at workforce development
3 centers and relating to unemployment compensation benefits and
4 providing an effective date.

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

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HF 2250

1 Section 1. Section 96.3, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. DURATION OF BENEFITS.

4 a. The maximum total amount of benefits payable to an
5 eligible individual during a benefit year shall not exceed the
6 total of the wage credits accrued to the individual's account
7 during the individual's base period, or twenty-six the
8 applicable multiplier times the individual's weekly benefit
9 amount, whichever is the lesser. The director shall maintain
10 a separate account for each individual who earns wages in
11 insured work. The director shall compute wage credits for
12 each individual by crediting the individual's account with
13 one-third of the wages for insured work paid to the individual
14 during the individual's base period. However, the director
15 shall recompute wage credits for an individual who is laid off
16 due to the individual's employer going out of business at the
17 factory, establishment, or other premises at which the
18 individual was last employed, by crediting the individual's
19 account with one-half, instead of one-third, of the wages for
20 insured work paid to the individual during the individual's
21 base period. Benefits paid to an eligible individual shall be
22 charged against the base period wage credits in the
23 individual's account which have not been previously charged,
24 in the inverse chronological order as the wages on which the
25 wage credits are based were paid. ~~However-if-the-state-"off~~
26 ~~indicator"-is-in-effect-and-if-the-individual-is-laid-off-due~~
27 ~~to-the-individual's-employer-going-out-of-business-at-the~~
28 ~~factory,-establishment,-or-other-premises-at-which-the~~
29 ~~individual-was-last-employed,-the-maximum-benefits-payable~~
30 ~~shall-be-extended-to-thirty-nine-times-the-individual's-weekly~~
31 ~~benefit-amount,-but-not-to-exceed-the-total-of-the-wage~~
32 ~~credits-accrued-to-the-individual's-account,-~~

33 b. For purposes of this subsection, the applicable
34 multiplier shall be twenty-six except under any of the
35 following circumstances:

1 (1) If the state "off indicator" is in effect and if the
2 eligible individual is in a worker training program that is
3 approved by the department, the applicable multiplier shall be
4 thirty-one.

5 (2) If the state "off indicator" is in effect and if the
6 last reported monthly rate of insured unemployment in this
7 state equals or exceeds four percent and the eligible
8 individual was unemployed during a week of that month, the
9 applicable multiplier shall be thirty-one.

10 (3) If the state "off indicator" is in effect and if the
11 last reported monthly rate of insured unemployment in this
12 state equals or exceeds four and one-half percent and the
13 eligible individual was unemployed during a week of that
14 month, the applicable multiplier shall be thirty-six.

15 (4) If the state "off indicator" is in effect and if the
16 last reported monthly rate of insured unemployment in this
17 state equals or exceeds five percent and the eligible
18 individual was unemployed during a week of that month, the
19 applicable multiplier shall be thirty-nine.

20 (5) If the state "off indicator" is in effect and if the
21 individual is laid off due to the individual's employer going
22 out of business at the factory, establishment, or other
23 premises at which the individual was last employed, the
24 applicable multiplier shall be thirty-nine.

25 Sec. 2. Section 96.3, subsection 7, Code 2001, is amended
26 to read as follows:

27 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

28 a. If an individual receives benefits for which the
29 individual is subsequently determined to be ineligible, even
30 though the individual acts in good faith and is not otherwise
31 at fault, the benefits shall be recovered. The department in
32 its discretion may recover the overpayment of benefits either
33 by having a sum equal to the overpayment deducted from any
34 future benefits payable to the individual or by having the
35 individual pay to the department a sum equal to the

1 overpayment.

2 b. If the department determines that an overpayment has
3 been made, the charge for the overpayment against the
4 employer's account shall be removed and the account shall be
5 credited with an amount equal to the overpayment from the
6 unemployment compensation trust fund and this credit shall
7 include both contributory and reimbursable employers,
8 notwithstanding section 96.8, subsection 5.

9 c. However, benefits shall not be recovered from an
10 individual under any of the following circumstances:

11 (1) The amount of the benefits overpaid does not exceed an
12 amount determined by the department which represents the
13 administrative costs of recovering the overpayment.

14 (2) The employer did not participate in the initial
15 determination to award benefits pursuant to section 96.6,
16 subsection 2.

17 Sec. 3. Section 96.4, subsection 4, unnumbered paragraph
18 1, Code 2001, is amended to read as follows:

19 ~~The individual has been paid wages for insured work during~~
20 ~~the individual's base period in an amount at least one and~~
21 ~~one-quarter times the wages paid to the individual during that~~
22 ~~quarter of the individual's base period in which the~~
23 ~~individual's wages were highest, provided that the individual~~
24 has been paid wages for insured work totaling at least three
25 and five-tenths percent of the statewide average annual wage
26 for insured work, computed for the preceding calendar year if
27 the individual's benefit year begins on or after the first
28 full week in July and computed for the second preceding
29 calendar year if the individual's benefit year begins before
30 the first full week in July, in that calendar quarter in the
31 individual's base period in which the individual's wages were
32 highest, and the individual has been paid wages for insured
33 work totaling at least one-half of the amount of wages
34 required under this subsection in the calendar quarter of the
35 base period in which the individual's wages were highest, in a

1 calendar quarter in the individual's base period other than
2 the calendar quarter in which the individual's wages were
3 highest. The calendar quarter wage requirements shall be
4 rounded to the nearest multiple of ten dollars.

5 Sec. 4. Section 96.5, subsection 1, Code Supplement 2001,
6 is amended by adding the following new paragraph:

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

22 Sec. 5. Section 96.6, subsection 2, Code 2001, is amended
23 to read as follows:

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

1 disqualification shall be imposed. The claimant has the
2 burden of proving that the claimant meets the basic
3 eligibility conditions of section 96.4. The employer has the
4 burden of proving that the claimant is disqualified for
5 benefits pursuant to section 96.5, except as provided by this
6 subsection. The claimant has the initial burden to produce
7 evidence showing that the claimant is not disqualified for
8 benefits in cases involving section 96.5, subsection 10, and
9 has the burden of proving that a voluntary quit pursuant to
10 section 96.5, subsection 1, was for good cause attributable to
11 the employer and that the claimant is not disqualified for
12 benefits in cases involving section 96.5, subsection 1,
13 paragraphs "a" through "h" and "k". Unless the claimant or
14 other interested party, after notification or within ten
15 calendar days after notification was mailed to the claimant's
16 last known address, files an appeal from the decision, the
17 decision is final and benefits shall be paid or denied in
18 accordance with the decision. If an administrative law judge
19 affirms a decision of the representative, or the appeal board
20 affirms a decision of the administrative law judge allowing
21 benefits, the benefits shall be paid regardless of any appeal
22 which is thereafter taken, but if the decision is finally
23 reversed, no employer's account shall be charged with benefits
24 so paid and this relief from charges shall apply to both
25 contributory and reimbursable employers, notwithstanding
26 section 96.8, subsection 5.

27 Sec. 6. Section 514I.5, subsection 7, paragraph d, Code
28 2001, is amended to read as follows:

29 d. Develop, with the assistance of the department, an
30 outreach plan, and provide for periodic assessment of the
31 effectiveness of the outreach plan. The plan shall provide
32 outreach to families of children likely to be eligible for
33 assistance under the program, to inform them of the
34 availability of and to assist the families in enrolling
35 children in the program. The outreach efforts may include,

1 but are not limited to, a comprehensive statewide media
2 campaign, solicitation of cooperation from programs, agencies,
3 and other persons who are likely to have contact with eligible
4 children, including but not limited to those associated with
5 the educational system, and the development of community plans
6 for outreach and marketing. As part of the outreach plan, the
7 board shall provide for the ability of families eligible for
8 assistance under the program to enroll in the plan at each
9 workforce development center established pursuant to section
10 84B.1.

11 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
12 immediate importance, takes effect upon enactment.

13 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection
14 3, shall not apply to this Act.

15 EXPLANATION

16 This bill makes several changes relating to the receipt of
17 unemployment compensation benefits and concerning services
18 that shall be located at workforce development centers.

19 Code section 96.3, subsection 5, is amended to provide that
20 an eligible individual can receive more than 26 weeks of
21 unemployment benefits during a calendar year under certain
22 circumstances when extended benefits are not required to be
23 paid. The bill provides that an individual can receive a
24 maximum of 31 weeks of benefits if the individual is in a
25 department-approved training program. In addition, an
26 individual can receive a maximum of 31 weeks of benefits if an
27 eligible individual was unemployed in a week during a month in
28 which the state's unemployment rate equaled or exceeded 4
29 percent. The bill also provides that an individual can
30 receive a maximum of 36 weeks of benefits if an eligible
31 individual was unemployed in a week during a month in which
32 the state's unemployment rate equaled or exceeded 4.5 percent.
33 Finally, the bill provides that an individual can receive a
34 maximum of 39 weeks of benefits if an eligible individual was
35 unemployed in a week during a month in which the state's

1 unemployment rate equaled or exceeded 5 percent.

2 Code section 96.3, subsection 7, is amended to provide that
3 the department shall not recover an overpayment of benefits
4 from an individual if the amount does not exceed the
5 administrative costs of collecting the overpayment or if the
6 employer did not participate in the initial determination that
7 awarded the individual unemployment benefits.

8 Code section 96.4, subsection 4, is amended to eliminate
9 the requirement that an individual shall not be eligible to
10 receive unemployment benefits if the individual's wages during
11 the individual's base period are not at least 125 percent of
12 the wages paid to the individual during the quarter year
13 period in the base period in which the individual's wages are
14 the highest.

15 Code section 96.5, subsection 1, is amended to provide that
16 a person who quits employment due to domestic violence can
17 receive unemployment compensation benefits. The bill provides
18 that domestic violence includes domestic abuse as defined in
19 Code section 236.2. The bill requires that the person
20 establish that the person reasonably believed quitting was
21 necessary to protect the person's safety. The bill provides
22 that the unemployment compensation fund, and not the employer,
23 will be charged for unemployment benefits paid due to domestic
24 violence. The bill also provides that the department of
25 workforce development not release evidence presented by the
26 individual to support benefits under this provision, except to
27 the parties in a contested case proceeding, unless the
28 individual consents in writing.

29 Code section 514I.5 is amended to provide that the hawk-i
30 board, in developing an outreach plan for the program, shall
31 provide for the ability of families to sign up for the program
32 in workforce development centers.

33 The bill takes effect upon enactment.

34 The bill may include a state mandate as defined in Code
35 section 25B.3. The bill makes inapplicable Code section

1 25B.2, subsection 3, which would relieve a political
2 subdivision from complying with a state mandate if funding for
3 the cost of the state mandate is not provided or specified.
4 Therefore, political subdivisions are required to comply with
5 any state mandate included in the bill.

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