

2/20/02 Business + Labor

5-3/1/02 UNFINISHED BUSINESS CALENDAR

FEB 14 2002
Place On Calendar

HOUSE FILE 2344
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 593)

Passed House, Date (p.409) 2/19/02 Passed Senate, Date (p.813) 3-26-02
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0

Approved April 8, 2002
re-passed 96-0
Date 3-28-02

(p.1065)

A BILL FOR

1 An Act relating to the retention of unemployment benefits
2 contested case hearing records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO HOUSE FILE 2344

H-8449

- 1 Amend House File 2344, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the words "or
- 4 stenographic notes".
- 5 2. Page 1, line 8, by striking the words "or the
- 6 transcription thereof", and inserting the following:
- 7 "in which the decision of the administrative law judge
- 8 is not appealed to the employment appeal board".
- 9 3. Page 1, line 9, by striking the words "one
- 10 year" and inserting the following: "two years".

RECEIVED FROM THE SENATE

H-8449 FILED MARCH 27, 2002
House Concurred 3/28/02 (p.1065)

HF 2344

1 Section 1. Section 96.11, Code Supplement 2001, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 11A. UNEMPLOYMENT BENEFITS CONTESTED CASE
4 HEARING RECORDS. Notwithstanding the provisions of section
5 17A.12 to the contrary, the recording or stenographic notes of
6 oral proceedings of a hearing conducted before an
7 administrative law judge pursuant to section 96.6, subsection
8 3, or the transcription thereof, shall be filed with and
9 maintained by the department for at least one year from the
10 date of decision.

11 EXPLANATION

12 This bill requires that the department of workforce
13 development retain unemployment insurance contested case
14 hearing tape recordings and transcripts for one year from the
15 date of decision of the administrative law judge rather than
16 five years from the date of decision as required by Code
17 chapter 17A.

18 _____
19 HOUSE FILE 2344

20 S-5258

- 21 1 Amend House File 2344, as passed by the House, as
- 22 2 follows:
- 23 3 1. Page 1, line 5, by striking the words "or
- 24 4 stenographic notes".
- 25 5 2. Page 1, line 8, by striking the words "or the
- 26 6 transcription thereof", and inserting the following:
- 27 7 "in which the decision of the administrative law judge
- 28 8 is not appealed to the employment appeal board".
- 29 9 3. Page 1, line 9, by striking the words "one
- 30 10 year" and inserting the following: "two years".

By STEVE KING
DICK L. DEARDEN

31 S-5258 FILED MARCH 26, 2002
32 ADOPTED 3-26-02 (p 813)
33
34
35

Grundberg, Ch.
Hansen
D. Taylor

HSB 593
LABOR & INDUSTRIAL RELATIONS

SENATE/HOUSE FILE SF 2344
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT BILL)

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

A BILL FOR

1 An Act relating to the retention of unemployment benefits
2 contested case hearing records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 96.11, Code Supplement 2001, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 11A. UNEMPLOYMENT BENEFITS CONTESTED CASE
4 HEARING RECORDS. Notwithstanding the provisions of section
5 17A.12 to the contrary, the recording or stenographic notes of
6 oral proceedings of a hearing conducted before an
7 administrative law judge pursuant to section 96.6, subsection
8 3, or the transcription thereof, shall be filed with and
9 maintained by the department for at least one year from the
10 date of decision.

11 EXPLANATION

12 This bill requires that the department of workforce
13 development retain unemployment insurance contested case
14 hearing tape recordings and transcripts for one year from the
15 date of decision of the administrative law judge rather than
16 five years from the date of decision as required by Code
17 chapter 17A.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Iowa Workforce Development

Thomas J. Vilsack, Governor

Sally J. Pederson, Lt. Governor

Richard V. Running, Director



Putting Iowa to Work

MEMORANDUM

Date: January 18, 2002
To: General Assembly
From: Jane S. Barto, Deputy Director
Iowa Workforce Development
(515) 281-5082

RE: LSB #5349DP - An Act relating to the retention of unemployment benefits contested case hearing records.

This bill would require Iowa Workforce Development to retain contested case tape recordings and transcripts for one year from the date of decision rather than five years from the date of decision as provided by Chapter 17A, The Iowa Administrative Procedure Act. This would save the agency approximately \$10,000 per year without impacting the public.

Iowa Code Section 96.4-4 provides no finding of fact or law, conclusion or final order made in an unemployment insurance case is binding in any other action or proceedings brought by the parties in any other division of Iowa Workforce Development or in any other agency, court or judge of this state of the United States. The hearing records may be used only for the purpose of appealing the administrative law judge's decision in the specific case to the Employment Appeal Board. Appeals to the Employment Appeal Board must be filed within fifteen calendar days after the date of the administrative law judge's decision. After appeal, the Employment Appeal Board maintains the tape or prepares a transcript for its use and for use in the event of a petition for judicial review. This amendment does not reduce the length of time the Employment Appeal Board retains its records.

As a practical matter, Iowa Workforce Development receives few requests to listen to or copy a contested case hearing tape recording if the case has not been appealed to the Employment Appeal Board. Over at least the past two years, there have been no such requests for hearings more than one year old.

appeal board, shall be filed with and maintained by the department for at least two years from the date of decision.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2344, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/8, 2002

THOMAS J. VILSACK
Governor

HOUSE FILE 2344

AN ACT

RELATING TO THE RETENTION OF UNEMPLOYMENT BENEFITS CONTESTED CASE HEARING RECORDS.

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

Section 1. Section 96.11, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. UNEMPLOYMENT BENEFITS CONTESTED CASE HEARING RECORDS. Notwithstanding the provisions of section 17A.12 to the contrary, the recording of oral proceedings of a hearing conducted before an administrative law judge pursuant to section 96.6, subsection 3, in which the decision of the administrative law judge is not appealed to the employment