

# Senate Study Bill 3023

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH BILL BY  
CO=CHAIRPERSON BRUNKHORST)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to employment law concerning private sector drug  
2 testing and unemployment compensation hearings and eligibility  
3 for benefits.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5593XK 81  
6 ec/je/5

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1 1 Section 1. Section 96.5, subsection 2, Code 2005, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. aa. Misconduct is deemed to have occurred  
1 4 if an individual is unemployed as a result of an act or  
1 5 omission of the individual determined to constitute dependent  
1 6 adult abuse as defined in section 235B.2.  
1 7 Sec. 2. Section 96.6, subsection 3, unnumbered paragraph  
1 8 1, Code 2005, is amended to read as follows:  
1 9 Unless the appeal is withdrawn, an administrative law  
1 10 judge, after affording the parties reasonable opportunity for  
1 11 fair hearing, shall affirm or modify the findings of fact and  
1 12 decision of the representative. The hearing shall be  
1 13 conducted pursuant to the provisions of chapter 17A relating  
1 14 to hearings for contested cases. Before the hearing is  
1 15 scheduled, the parties shall be afforded the opportunity to  
1 16 choose either a telephone hearing or an in-person hearing. A  
1 17 request for an in-person hearing by any party to the hearing  
1 18 shall be approved unless the in-person hearing would be  
1 19 impractical because of the distance between the parties to the  
1 20 hearing. A telephone or in-person hearing shall not be  
1 21 scheduled before the seventh calendar day after the parties  
1 22 receive notice of the hearing. Reasonable requests for the  
1 23 postponement of a hearing shall be granted. The parties shall  
1 24 be duly notified of the administrative law judge's decision,  
1 25 together with the administrative law judge's reasons for the  
1 26 decision, which is the final decision of the department,  
1 27 unless within fifteen days after the date of notification or  
1 28 mailing of the decision, further appeal is initiated pursuant  
1 29 to this section.  
1 30 Sec. 3. Section 730.5, subsection 1, paragraph b, Code  
1 31 Supplement 2005, is amended to read as follows:  
1 32 b. "Confirmed positive test result" means, except for  
1 33 alcohol testing conducted pursuant to subsection 7, paragraph  
1 34 "f", subparagraph (2), the results of a blood, urine, or oral  
1 35 fluid test in which the level of controlled substances or  
2 1 metabolites in the specimen analyzed meets or exceeds  
2 2 nationally accepted standards for determining detectable  
2 3 levels of controlled substances as adopted by the federal  
2 4 substance abuse and mental health services administration. If  
2 5 nationally accepted standards for oral fluid tests have not  
2 6 been adopted by the federal substance abuse and mental health  
2 7 services administration, the standards for determining  
2 8 detectable levels of controlled substances for purposes of  
2 9 determining a confirmed positive test result shall be the same  
2 10 standard that has been established by the federal food and  
2 11 drug administration for the measuring instrument used to  
2 12 perform the oral fluid test. In addition, "confirmed positive  
2 13 test result" means, for a drug test of a prospective employee,  
2 14 the results of a blood, urine, or oral fluid test in which the  
2 15 medical review officer determines that the sample tested has

2 16 been altered or diluted.

2 17 EXPLANATION

2 18 This bill provides that persons who lose employment due to  
2 19 an act of dependent adult abuse are deemed to have committed  
2 20 misconduct and are disqualified from receiving unemployment  
2 21 benefits. In addition, the bill provides that an in-person  
2 22 hearing on an appeal concerning unemployment benefits will be  
2 23 held if any party so requests unless an in-person hearing  
2 24 would be impractical for the parties.

2 25 The bill also provides that the result of a drug test of a  
2 26 prospective employee shall be considered a confirmed positive  
2 27 test result if a medical review officer can determine that the  
2 28 sample tested was altered or diluted.

2 29 LSB 5593XK 81

2 30 ec:nh/je/5