

# House File 2375 - Introduced

HOUSE FILE \_\_\_\_\_  
BY T. TAYLOR

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

## A BILL FOR

1 An Act relating to qualifications for and payment of unemployment  
2 compensation benefits, and including effective and  
3 applicability date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5306YH 82  
6 ak/rj/5

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1 1 Section 1. Section 96.3, subsections 3, 4, and 5, Code  
1 2 2007, are amended to read as follows:  
1 3 3. PARTIAL UNEMPLOYMENT. An individual who is partially  
1 4 unemployed in any week as defined in section 96.19, subsection  
1 5 38, paragraph "b", and who meets the conditions of eligibility  
1 6 for benefits shall be paid with respect to that week an amount  
1 7 equal to the individual's weekly benefit amount less that part  
1 8 of wages payable to the individual with respect to that week  
1 9 in excess of ~~one-fourth~~ one-third of the individual's weekly  
1 10 benefit amount. The benefits shall be rounded to the lower  
1 11 multiple of one dollar.  
1 12 4. DETERMINATION OF BENEFITS. ~~With respect to benefit~~  
~~1 13 years beginning on or after July 1, 1983, an An~~ eligible  
1 14 individual's weekly benefit amount for a week of total  
1 15 unemployment shall be an amount equal to ~~the following~~  
~~1 16 fractions~~ one-twenty-first of the individual's total wages in  
1 17 insured work paid during that quarter of the individual's base  
1 18 period in which such total wages were highest; the director  
1 19 shall determine annually a maximum weekly benefit amount equal  
1 20 to ~~the following percentages, to vary with the number of~~  
~~1 21 dependents, sixty-five percent~~ of the statewide average weekly  
1 22 wage paid to employees in insured work which shall be  
1 23 effective the first day of the first full week in July+.  
1 24 ~~If the~~ The weekly Subject to  
~~1 25 number of~~ benefit amount the following  
~~1 26 dependents~~ shall equal maximum  
~~1 27 is:~~ the following percentage of  
1 28 fraction of high the statewide  
1 29 quarter wages: average  
1 30 weekly wage:  
~~1 31 0~~ 1/23 53%  
~~1 32 1~~ 1/22 55%  
~~1 33 2~~ 1/21 57%  
~~1 34 3~~ 1/20 60%  
~~1 35 4 or more~~ 1/19 65%  
2 1 PARAGRAPH DIVIDED. The maximum weekly benefit amount, if  
2 2 not a multiple of one dollar shall be rounded to the lower  
2 3 multiple of one dollar. ~~However, until such time as~~  
~~2 4 sixty-five percent of the statewide average weekly wage~~  
~~2 5 exceeds one hundred ninety dollars, the maximum weekly benefit~~  
~~2 6 amounts shall be determined using the statewide average weekly~~  
~~2 7 wage computed on the basis of wages reported for calendar year~~  
~~2 8 1981. As used in this section "dependent" means dependent as~~  
~~2 9 defined in section 422.12, subsection 1, paragraph "c", as if~~  
~~2 10 the individual claimant was a taxpayer, except that an~~  
~~2 11 individual claimant's nonworking spouse shall be deemed to be~~  
~~2 12 a dependent under this section. "Nonworking spouse" means a~~  
~~2 13 spouse who does not earn more than one hundred twenty dollars~~  
~~2 14 in gross wages in one week.~~  
2 15 5. a. DURATION OF BENEFITS. The maximum total amount of  
2 16 benefits payable to an eligible individual during a benefit  
2 17 year shall not exceed the total of the wage credits accrued to  
2 18 the individual's account during the individual's base period,  
2 19 or twenty-six times the individual's weekly benefit amount,

2 20 whichever is the lesser. The maximum total amount of  
2 21 benefits, if not a multiple of one dollar, shall be rounded to  
2 22 the lower multiple of one dollar. The director shall maintain  
2 23 a separate account for each individual who earns wages in  
2 24 insured work. The director shall compute wage credits for  
2 25 each individual by crediting the individual's account with  
2 26 one-third one-half of the wages for insured work paid to the  
2 27 individual during the individual's base period. However, the  
2 28 director shall recompute wage credits for an individual who is  
2 29 laid off due to the individual's employer going out of  
2 30 business at the factory, establishment, or other premises at  
2 31 which the individual was last employed, by crediting the  
2 32 individual's account with one-half, instead of one-third, of  
2 33 the wages for insured work paid to the individual during the  
2 34 individual's base period. Benefits paid to an eligible  
3 35 individual shall be charged against the base period wage  
3 1 credits in the individual's account which have not been  
3 2 previously charged, in the inverse chronological order as the  
3 3 wages on which the wage credits are based were paid. However  
3 4 if the state "off indicator" is in effect and if the  
3 5 individual is laid off due to the individual's employer going  
3 6 out of business at the factory, establishment, or other  
3 7 premises at which the individual was last employed or was  
3 8 employed during the base period, the maximum benefits payable  
3 9 shall be extended to thirty-nine times the individual's weekly  
3 10 benefit amount, but not to exceed the total of the wage  
3 11 credits accrued to the individual's account.  
3 12 b. TRAINING EXTENSION BENEFITS. An individual who has  
3 13 been separated from a declining occupation or who has been  
3 14 involuntarily separated from employment as a result of a  
3 15 permanent reduction of operations at the last place of  
3 16 employment or at a base-period employer and who is in training  
3 17 with the approval of the director shall be eligible for a  
3 18 training extension benefit amount. A declining occupation is  
3 19 one in which there is a lack of sufficient current demand in  
3 20 the individual's labor market area for the occupational skills  
3 21 for which the individual is fitted by training and experience  
3 22 or current physical or mental capacity and the lack of  
3 23 employment opportunities is expected to continue for an  
3 24 extended period of time, or the individual's occupation is one  
3 25 for which there is a seasonal variation in demand in the labor  
3 26 market and the individual has no other skill for which there  
3 27 is current demand. The training extension benefit amount  
3 28 shall be twenty-six times the individual's weekly benefit  
3 29 amount and the weekly benefit amount shall be equal to the  
3 30 individual's weekly benefit amount for the claim in which  
3 31 benefits were exhausted while in training. An individual who  
3 32 is receiving training extension benefits shall not be denied  
3 33 benefits due to application of section 96.4, subsection 3, or  
3 34 section 96.5, subsection 3. However, an employer's account  
3 35 shall not be charged with benefits so paid. Relief of charges  
4 1 under this paragraph "b" applies to both contributory and  
4 2 reimbursable employers, notwithstanding section 96.8,  
4 3 subsection 5. In order for the individual to be eligible for  
4 4 training extension benefits all of the following criteria must  
4 5 be met:  
4 6 (1) The training is for a high-demand or high technology  
4 7 occupation, including fields of life sciences, advanced  
4 8 manufacturing, biotechnology, alternative fuels, insurance,  
4 9 and environmental technology. "High-demand occupation" means  
4 10 an occupation in a labor market area in which the department  
4 11 determines work opportunities are available and there is a  
4 12 lack of qualified applicants.  
4 13 (2) The individual must file an unemployment insurance  
4 14 claim for any benefits to which the individual becomes  
4 15 entitled under state or federal law, and must draw any  
4 16 unemployment insurance benefits on that claim until the claim  
4 17 has expired or has been exhausted, in order to maintain the  
4 18 individual's eligibility under this paragraph "b". Any state  
4 19 benefits paid shall be deducted from the total of the training  
4 20 extension benefit amount. Training extension benefits end  
4 21 upon completion of the training even though a portion of the  
4 22 training extension benefit amount may remain.  
4 23 (3) To the extent permitted by federal law, benefits  
4 24 payable under any federal unemployment compensation law shall  
4 25 be included as benefits payable under this paragraph "b".  
4 26 (4) The individual must enroll and participate in the  
4 27 training and make satisfactory progress to complete the  
4 28 training.  
4 29 (5) The individual is considered to be in training during  
4 30 a regularly scheduled vacation or recess period of three weeks

4 31 or less but not during a summer vacation period or school  
4 32 break longer than three weeks. If the individual immediately  
4 33 returns to training after the summer vacation or break period  
4 34 of longer than three weeks, the individual may reopen the  
4 35 training extension benefit claim. Otherwise, the individual  
5 1 must be continuously in training in order to be eligible for  
5 2 training extension benefits.

5 3 (6) In a three-year period, an individual may receive a  
5 4 maximum of twenty-six weeks of consecutive or nonconsecutive  
5 5 training extension benefits, which may be received in  
5 6 connection with multiple claims in that period.

5 7 Sec. 2. Section 96.3, subsection 6, paragraph b, Code  
5 8 2007, is amended to read as follows:

5 9 b. The director shall prescribe fair and reasonable  
5 10 general rules applicable to part-time workers, for determining  
5 11 their full-time weekly wage, and the total wages in employment  
5 12 by employers required to qualify such workers for benefits.  
5 13 ~~Part-time workers are not required to seek or accept full-time~~  
5 14 ~~employment.~~

5 15 Sec. 3. Section 96.4, subsection 4, Code 2007, is amended  
5 16 to read as follows:

5 17 4. a. ~~The individual has been paid wages for insured work~~  
5 18 ~~during the individual's base period in an amount at least one~~  
5 19 ~~and one-quarter times the wages paid to the individual during~~  
5 20 ~~that quarter of the individual's base period in which the~~  
5 21 ~~individual's wages were highest; provided that the individual~~  
5 22 ~~has been paid wages for insured work totaling at least three~~  
5 23 ~~and five-tenths percent of the statewide average annual wage~~  
5 24 ~~for insured work, computed for the preceding calendar year if~~  
5 25 ~~the individual's benefit year begins on or after the first~~  
5 26 ~~full week in July and computed for the second preceding~~  
5 27 ~~calendar year if the individual's benefit year begins before~~  
5 28 ~~the first full week in July, in that calendar quarter in the~~  
5 29 ~~individual's base period in which the individual's wages were~~  
5 30 ~~highest, and the individual has been paid wages for insured~~  
5 31 ~~work totaling at least one-half of the amount of wages~~  
5 32 ~~required under this subsection paragraph in the calendar~~  
5 33 ~~quarter of the base period in which the individual's wages~~  
5 34 ~~were highest, in a calendar quarter in the individual's base~~  
5 35 ~~period other than the calendar quarter in which the~~  
6 1 ~~individual's wages were highest. The calendar quarter and~~  
6 2 ~~base period wage requirements shall be rounded to the nearest~~  
6 3 ~~multiple of ten dollars lower multiple of one dollar.~~

6 4 b. ~~If the individual does not have sufficient wages in the~~  
6 5 ~~base period to qualify for benefits pursuant to this~~  
6 6 ~~subsection, the alternate base period shall be applied if such~~  
6 7 ~~alternate base period qualifies the individual for benefits~~  
6 8 ~~under this subsection.~~

6 9 c. ~~If the individual has drawn benefits in any benefit~~  
6 10 ~~year, the individual must during or subsequent to that year,~~  
6 11 ~~work in and be paid wages for insured work totaling at least~~  
6 12 ~~two hundred fifty dollars, as a condition to receive benefits~~  
6 13 ~~in the next benefit year.~~

6 14 Sec. 4. Section 96.5, subsection 1, Code Supplement 2007,  
6 15 is amended by adding the following new paragraph:

6 16 **NEW PARAGRAPH.** b. The individual left employment when the  
6 17 individual's spouse was forced to relocate by the spouse's  
6 18 employer to another area or when the spouse was forced to  
6 19 relocate to another area to accept employment or better  
6 20 employment, and the individual's employer has no work  
6 21 available in the new area.

6 22 Sec. 5. Section 96.5, subsection 1, paragraph c, Code  
6 23 Supplement 2007, is amended to read as follows:

6 24 c. ~~The individual left employment for the necessary and~~  
6 25 ~~sole purpose of taking care of a member of the individual's~~  
6 26 ~~immediate family who was then injured or ill, and if after~~  
6 27 ~~said member of the family sufficiently recovered, the~~  
6 28 ~~individual immediately returned to and offered the~~  
6 29 ~~individual's services to the individual's employer, provided,~~  
6 30 ~~however, that during such period the individual did not accept~~  
6 31 ~~any other employment. The individual left employment as a~~  
6 32 ~~result of the illness, injury, or disability of a member of~~  
6 33 ~~the individual's immediate family.~~

6 34 Sec. 6. Section 96.5, subsection 1, paragraph j,  
6 35 unnumbered paragraph 1, Code Supplement 2007, is amended to  
7 1 read as follows:

7 2 The individual is a temporary employee of a temporary  
7 3 employment firm who notifies the temporary employment firm of  
7 4 completion of an employment assignment and who seeks  
7 5 reassignment. ~~Failure of~~ If the individual fails to notify  
7 6 the temporary employment firm of completion of an employment

7 7 assignment ~~within three working days of the completion of each~~  
7 8 ~~employment assignment under a contract of hire, the individual~~  
7 9 ~~shall be deemed a voluntary quit unavailable for work until~~  
7 10 ~~the employer is notified unless the individual was not advised~~  
7 11 ~~in writing of the duty to notify the temporary employment firm~~  
7 12 ~~upon completion of an employment assignment or the individual~~  
7 13 ~~had good cause for not contacting the temporary employment~~  
7 14 ~~firm within three working days and notified the firm at the~~  
7 15 ~~first reasonable opportunity thereafter.~~

7 16 Sec. 7. Section 96.5, subsection 1, Code Supplement 2007,  
7 17 is amended by adding the following new paragraphs:

7 18 NEW PARAGRAPH. k. The individual left employment due to  
7 19 domestic abuse, as defined in section 236.2, or stalking, as  
7 20 described in section 708.11, perpetrated against the  
7 21 individual, and the individual reasonably believed such act  
7 22 was necessary to protect the safety of the individual or the  
7 23 individual's family. Benefits related to wage credits earned  
7 24 with the employer that the individual has left shall be  
7 25 charged to the unemployment compensation fund. This paragraph  
7 26 applies to both contributory and reimbursable employers,  
7 27 notwithstanding section 96.8, subsection 5. All evidence of  
7 28 domestic abuse or stalking experienced by an individual,  
7 29 including the individual's statement and any corroborating  
7 30 evidence, shall not be disclosed by the department, except to  
7 31 the parties in a contested benefit case proceeding and to the  
7 32 employment appeal board or courts in an appeal or unless  
7 33 consent for disclosure is granted in writing by the  
7 34 individual. Evidence of domestic abuse or stalking may  
7 35 include but is not limited to any of the following:

8 1 (1) A statement or report from a law enforcement agency or  
8 2 professional, medical professional, mental health  
8 3 professional, or domestic violence shelter or professional.

8 4 (2) Witness statements regarding an incident that causes  
8 5 the individual to believe the individual's life or safety or  
8 6 the life or safety of a member of the individual's family is  
8 7 in danger.

8 8 NEW PARAGRAPH. l. The individual voluntarily quit  
8 9 employment during the first thirty calendar days of  
8 10 employment.

8 11 Sec. 8. Section 96.5, subsection 5, paragraph a,  
8 12 subparagraph (1), Code Supplement 2007, is amended by striking  
8 13 the subparagraph.

8 14 Sec. 9. Section 96.5, subsection 7, Code Supplement 2007,  
8 15 is amended to read as follows:

8 16 7. VACATION SEPARATION PAY.

8 17 a. ~~For the purposes of this subsection, "separation pay"~~  
8 18 ~~means severance pay, wages in lieu of notice, separation~~  
8 19 ~~allowance, dismissal pay, vacation pay, vacation pay~~  
8 20 ~~allowance, or pay in lieu of vacation.~~

8 21 b. When an employer makes a payment or becomes obligated  
8 22 to make a payment to an individual for ~~vacation pay, or for~~  
8 23 ~~vacation pay allowance, or as pay in lieu of vacation~~  
8 24 separation pay, such payment or amount shall be deemed "wages"  
8 25 as defined in section 96.19, subsection 41, and shall be  
8 26 applied as provided in paragraph ~~"c" hereof~~ "d".

8 27 ~~b- c.~~ When, in connection with a separation or layoff of  
8 28 an individual, the individual's employer makes a payment or  
8 29 payments to the individual, or becomes obligated to make a  
8 30 payment to the individual as, or in the nature of, ~~vacation~~  
8 31 ~~pay, or vacation pay allowance, or as pay in lieu of vacation~~  
8 32 separation pay, and within ten calendar days after

8 33 notification of the filing of the individual's claim,  
8 34 designates by notice in writing to the department the period  
8 35 to which the payment shall be allocated; provided, that if  
9 1 such designated period is extended by the employer, the  
9 2 individual may again similarly designate an extended period,  
9 3 by giving notice in writing to the department not later than  
9 4 the beginning of the extension of the period, with the same  
9 5 effect as if the period of extension were included in the  
9 6 original designation. The amount of a payment or obligation  
9 7 to make payment, is deemed "wages" as defined in section  
9 8 96.19, subsection 41, and shall be applied as provided in  
9 9 paragraph ~~"c" of this subsection~~ "d".

9 10 ~~c- d.~~ Of the wages described in paragraph ~~"a" "b",~~  
9 11 ~~(whether whether or not the employer has designated the period~~  
9 12 ~~therein described) described in paragraph "b", or of the wages~~  
9 13 ~~described in paragraph "b" "c", if the period therein~~  
9 14 ~~described in paragraph "c" has been designated by the employer~~  
9 15 ~~as therein provided in paragraph "c", a sum equal to the wages~~  
9 16 ~~of such individual for a normal workday shall be attributed~~  
9 17 ~~to, or deemed to be payable to the individual with respect to,~~

9 18 the first and each subsequent workday in such period until  
9 19 such amount so paid or owing is exhausted. Any individual  
9 20 receiving or entitled to receive wages as provided herein  
9 21 shall be ineligible for benefits for any week in which the  
9 22 sums, so designated or attributed to such normal workdays,  
9 23 equal or exceed the individual's weekly benefit amount. If  
9 24 the amount so designated or attributed as wages is less than  
9 25 the weekly benefit amount of such individual, the individual's  
9 26 benefits shall be reduced by such amount.

9 27 ~~d- e.~~ Notwithstanding contrary provisions in paragraphs  
9 28 ~~"a" "b", "b" "c", and "c" "d",~~ if an individual is separated  
9 29 from employment and is scheduled to receive ~~vacation payments~~  
9 30 separation pay during the period of unemployment attributable  
9 31 to the employer and if the employer does not designate the  
9 32 vacation separation pay period pursuant to paragraph ~~"b" "c"~~  
9 33 or provides notice of the designation after the period allowed

9 34 in paragraph "b", then payments made by the employer to the  
9 35 individual or an obligation to make a payment by the employer  
10 1 to the individual for ~~vacation pay, vacation pay allowance or~~  
~~10 2 pay in lieu of vacation separation pay~~ shall not be deemed  
10 3 wages as defined in section 96.19, subsection 41, for any  
10 4 period in excess of one week for separation pay and such  
10 5 payments or the value of such obligations shall not be  
10 6 deducted for any period in excess of one week for separation  
~~10 7 pay~~ from the unemployment benefits the individual is otherwise  
10 8 entitled to receive under this chapter. However, if the  
10 9 employer designates more than one week as the ~~vacation~~  
10 10 separation pay period pursuant to paragraph ~~"b" "c",~~ the  
10 11 ~~vacation pay, vacation pay allowance, or pay in lieu of~~  
~~10 12 vacation separation pay~~ shall be considered wages and shall be  
10 13 deducted from benefits.

10 14 ~~e- f.~~ If an employer pays or is obligated to pay a bonus  
10 15 to an individual at the same time the employer pays or is  
10 16 obligated to pay ~~vacation pay, a vacation pay allowance, or~~  
~~10 17 pay in lieu of vacation separation pay,~~ the bonus shall not be  
10 18 deemed wages for purposes of determining benefit eligibility  
10 19 and amount, and the bonus shall not be deducted from  
10 20 unemployment benefits the individual is otherwise entitled to  
10 21 receive under this chapter.

10 22 Sec. 10. Section 96.6, subsection 2, Code 2007, is amended  
10 23 to read as follows:

10 24 2. INITIAL DETERMINATION. A representative designated by  
10 25 the director shall promptly notify all interested parties to  
10 26 the claim of its filing, and the parties have ten days from  
10 27 the date of mailing the notice of the filing of the claim by  
10 28 ordinary mail to the last known address to protest payment of  
10 29 benefits to the claimant. The representative shall promptly  
10 30 examine the claim and any protest, take the initiative to  
10 31 ascertain relevant information concerning the claim, and, on  
10 32 the basis of the facts found by the representative, shall  
10 33 determine whether or not the claim is valid, the week with  
10 34 respect to which benefits shall commence, the weekly benefit  
10 35 amount payable and its maximum duration, and whether any  
11 1 disqualification shall be imposed. The claimant has the  
11 2 burden of proving that the claimant meets the basic  
11 3 eligibility conditions of section 96.4. The employer has the  
11 4 burden of proving that the claimant is disqualified for  
11 5 benefits pursuant to section 96.5, except as provided by this  
11 6 subsection. The claimant has the initial burden to produce  
11 7 evidence showing that the claimant is not disqualified for  
11 8 benefits in cases involving section 96.5, subsection 10, and  
11 9 has the burden of proving that a voluntary quit pursuant to  
11 10 section 96.5, subsection 1, was for good cause attributable to  
11 11 the employer and that the claimant is not disqualified for  
11 12 benefits in cases involving section 96.5, subsection 1,  
11 13 paragraphs "a" through ~~"h" "l".~~ Unless the claimant or other  
11 14 interested party, after notification or within ~~ten~~ fifteen  
11 15 calendar days after notification was mailed to the claimant's  
11 16 last known address, files an appeal from the decision, the  
11 17 decision is final and benefits shall be paid or denied in  
11 18 accordance with the decision. However, if a disqualification  
11 19 for benefits results in an overpayment decision, the

11 20 disqualification decision is not final unless the claimant or  
11 21 other interested party, after notification of the overpayment  
11 22 decision or within fifteen calendar days after notification of  
11 23 the overpayment decision was mailed to the claimant's last  
11 24 known address, fails to file an appeal from the overpayment  
11 25 decision. An appeal of the overpayment decision shall also be  
11 26 considered an appeal of the denial decision causing the  
11 27 benefit overpayment, unless an appeal for the denial of  
11 28 benefits has already been heard, in which case the overpayment

11 29 appeal is unaffected. If an administrative law judge affirms  
11 30 a decision of the representative, or the appeal board affirms  
11 31 a decision of the administrative law judge allowing benefits,  
11 32 the benefits shall be paid regardless of any appeal which is  
11 33 thereafter taken, but if the decision is finally reversed, no  
11 34 employer's account shall be charged with benefits so paid and  
11 35 this relief from charges shall apply to both contributory and  
12 1 reimbursable employers, notwithstanding section 96.8,  
12 2 subsection 5.

12 3 Sec. 11. Section 96.7, subsection 2, paragraph a,  
12 4 subparagraph (2), Code 2007, is amended by adding the  
12 5 following new unnumbered paragraph after unnumbered paragraph  
12 6 5:

12 7 NEW UNNUMBERED PARAGRAPH. The account of an employer shall  
12 8 not be charged with benefits paid to an individual who is laid  
12 9 off if the benefits are paid as the result of the return to  
12 10 work of a permanent employee who is one of the following:

12 11 (a) A member of the national guard or organized reserves  
12 12 of the armed forces of the United States ordered to temporary  
12 13 duty, as defined in section 29A.1, subsection 3, 11, or 12,  
12 14 for any purpose, who has completed the duty as evidenced in  
12 15 accordance with section 29A.43.

12 16 (b) A member of the civil air patrol performing duty  
12 17 pursuant to section 29A.3A, who has completed the duty as  
12 18 evidenced in accordance with section 29A.43.

12 19 Sec. 12. Section 96.19, Code 2007, is amended by adding  
12 20 the following new subsection:

12 21 NEW SUBSECTION. 0A. "Alternate base period" means the  
12 22 period beginning with the first day of the five completed  
12 23 calendar quarters immediately preceding the first day of an  
12 24 individual's benefit year and ending with the last day of the  
12 25 last completed calendar quarter immediately preceding the date  
12 26 on which the individual filed a valid claim.

12 27 Sec. 13. Section 96.19, subsection 38, paragraphs b and c,  
12 28 Code 2007, are amended to read as follows:

12 29 b. (1) An individual shall be deemed partially unemployed  
12 30 in any week in which, while employed at the individual's then  
12 31 regular job, the individual works less than the regular  
12 32 full-time week ~~and in which the individual earns less than the~~  
12 33 ~~individual's weekly benefit amount plus fifteen dollars or the~~  
12 34 ~~regular part-time week.~~

12 35 (2) An individual shall be deemed partially unemployed in  
13 1 any week in which the individual, ~~having has~~ been separated  
13 2 from the individual's regular job, ~~earns at odd jobs less than~~  
13 3 ~~the individual's weekly benefit amount plus fifteen dollars.~~

13 4 c. An individual shall be deemed temporarily unemployed if  
13 5 for a period, verified by the department, not to exceed ~~four~~  
13 6 ~~eight~~ consecutive weeks, the individual is unemployed due to a  
13 7 plant shutdown, vacation, inventory, lack of work or emergency  
13 8 from the individual's regular job or trade in which the  
13 9 individual worked full-time and will again work full-time, if  
13 10 the individual's employment, although temporarily suspended,  
13 11 has not been terminated.

13 12 Sec. 14. Section 96.20, subsection 2, Code 2007, is  
13 13 amended to read as follows:

13 14 2. The department may enter into arrangements with the  
13 15 appropriate agencies of other states, or a contiguous country  
13 16 with which the United States has an agreement with respect to  
13 17 unemployment compensation or of the federal government (a)  
13 18 whereby wages or services, upon the basis of which an  
13 19 individual may become entitled to benefits under the  
13 20 unemployment compensation law of another state or of the  
13 21 federal government, shall be deemed to be wages for employment  
13 22 by employers for the purposes of section 96.3 and section  
13 23 96.4, subsection 5; provided such other state agency or agency  
13 24 of the federal government has agreed to reimburse the fund for  
13 25 such portion of benefits paid under this chapter upon the  
13 26 basis of such wages or services as the department finds will  
13 27 be fair and reasonable as to all affected interests, and (b)  
13 28 whereby the department will reimburse other state or federal  
13 29 agencies charged with the administration of unemployment  
13 30 compensation laws with such reasonable portion of benefits,  
13 31 paid under the law of any such other states or of the federal  
13 32 government upon the basis of employment or wages for  
13 33 employment by employers, as the department finds will be fair  
13 34 and reasonable as to all affected interests. Reimbursements  
13 35 so payable shall be deemed to be benefits for the purposes of  
14 1 section 96.3, subsection 5, paragraph "a", and section 96.9,  
14 2 but no reimbursement so payable shall be charged against any  
14 3 employer's account for the purposes of section 96.7, unless  
14 4 wages so transferred are sufficient to establish a valid claim

14 5 in Iowa, and that such charges shall not exceed the amount  
14 6 that would have been charged on the basis of a valid claim.  
14 7 The department is hereby authorized to make to other state or  
14 8 federal agencies and receive from such other state or federal  
14 9 agencies, reimbursements from or to the fund, in accordance  
14 10 with arrangements pursuant to this section. The department  
14 11 shall participate in any arrangements for the payment of  
14 12 compensation on the basis of combining an individual's wages  
14 13 and employment covered under this Act with the individual's  
14 14 wages and employment covered under the unemployment  
14 15 compensation laws of other states which are approved by the  
14 16 United States secretary of labor in consultation with the  
14 17 state unemployment compensation agencies as reasonably  
14 18 calculated to assure the prompt and full payment of  
14 19 compensation in such situations and which include provisions  
14 20 for: Applying the base period of a single state law to a  
14 21 claim involving the combining of an individual's wages and  
14 22 employment covered under two or more state unemployment  
14 23 compensation laws, and avoiding the duplication use of wages  
14 24 and employment by reason of such combining.

14 25 Sec. 15. Section 96.23, subsection 2, Code 2007, is  
14 26 amended to read as follows:

14 27 2. The individual did not receive wages from insured work  
14 28 for two calendar quarters and did not receive wages from  
14 29 insured work for another calendar quarter equal to or greater  
14 30 than the amount required for a calendar quarter, other than  
14 31 the calendar quarter in which the individual's wages were  
14 32 highest, under section 96.4, subsection 4, paragraph "a".

14 33 Sec. 16. Section 96.40, subsection 8, Code 2007, is  
14 34 amended to read as follows:

14 35 8. An individual shall not be entitled to receive shared  
15 1 work benefits and regular unemployment compensation benefits  
15 2 in an aggregate amount which exceeds the maximum total amount  
15 3 of benefits payable to that individual in a benefit year as  
15 4 provided under section 96.3, subsection 5, paragraph "a".  
15 5 Notwithstanding any other provisions of this chapter, an  
15 6 individual shall not be eligible to receive shared work  
15 7 benefits for more than twenty-six calendar weeks during the  
15 8 individual's benefit year.

15 9 Sec. 17. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds  
15 10 received by this state from the federal government pursuant to  
15 11 section 903 of the federal Social Security Act as a result of  
15 12 the enactment of this Act shall be appropriated by the general  
15 13 assembly to the department of workforce development to be used  
15 14 for the payment of unemployment insurance benefits or for the  
15 15 administration of the Iowa employment security law, chapter  
15 16 96, and public employment offices.

15 17 Sec. 18. EFFECTIVE AND APPLICABILITY DATES. The section  
15 18 of this Act amending section 96.3 applies to any week of  
15 19 unemployment benefits beginning on or after July 1, 2008. The  
15 20 sections of this Act amending sections 96.4 and 96.5 take  
15 21 effect June 29, 2008, and apply to any claim with an effective  
15 22 date on or after June 29, 2008.

#### 15 23 EXPLANATION

15 24 This bill relates to the eligibility requirements for  
15 25 receiving unemployment compensation benefits.

15 26 In Code section 96.3(3), for an individual who is partially  
15 27 unemployed in any week and is otherwise eligible for  
15 28 unemployment benefits, the Code is changed so that the weekly  
15 29 benefit amount the individual receives is reduced to  
15 30 one-third, from the previous reduction to one-fourth, of the  
15 31 weekly benefit amount.

15 32 In Code section 96.3(4), the bill provides that the amount  
15 33 of an individual's weekly benefit amount shall equal  
15 34 one-twenty-first of the individual's total wages paid in the  
15 35 highest quarter of an individual's base period. The maximum  
16 1 weekly benefit amount is set by the bill at 65 percent of the  
16 2 statewide average weekly wage paid to employees in insured  
16 3 work. The bill eliminates the calculations of the maximum  
16 4 weekly benefit amount according to the number of dependents of  
16 5 an individual.

16 6 In Code section 96.3(5), newly designated paragraph "a"  
16 7 requires that the wage credits used to determine the total  
16 8 amount of benefits payable during a benefit year are to be  
16 9 calculated at one-half, rather than at one-third, of the wages  
16 10 for insured work. The bill requires the maximum total amount  
16 11 of benefits in a benefit year, if not a multiple of one  
16 12 dollar, to be rounded to the lower multiple of one dollar.  
16 13 Extended benefits are provided in relation to certain  
16 14 base-period employers.

16 15 In Code section 96.3(5), new paragraph "b" establishes a

16 16 benefits extension for individuals enrolled in a training  
16 17 program. The individual must be separated from a declining  
16 18 occupation or have been involuntarily separated as a result of  
16 19 a permanent reduction of operations at the last place of  
16 20 employment or base-period employer. The individual must be  
16 21 training in a high-technology occupation which is targeted for  
16 22 growth and approved by the department of workforce  
16 23 development. The training extension provides a maximum of 26  
16 24 weeks of benefits during a three-year period from which are  
16 25 deducted any federal extended benefits or succeeding-year  
16 26 state regular benefits.

16 27 In Code section 96.3(6)(b), the bill specifies that  
16 28 part-time workers are not required to seek or accept full-time  
16 29 employment as a condition to be eligible to receive benefits.

16 30 In Code section 96.4(4), the bill eliminates the  
16 31 requirement that to qualify for unemployment benefits an  
16 32 individual must have been paid wages during the individual's  
16 33 base period in an amount at least one and one-quarter times  
16 34 the wages paid to the individual during the highest wage  
16 35 quarter of the individual's base period. To qualify for  
17 1 benefits an individual must have been paid wages totaling at  
17 2 least 3.5 percent of the statewide average annual wage for  
17 3 insured work in a calendar quarter in the base period and have  
17 4 been paid wages for insured work totaling at least one-half of  
17 5 that required amount in the other quarters in the base period.  
17 6 If an individual does not qualify for benefits using the base  
17 7 period, an alternate base period of five calendar quarters, as  
17 8 defined in Code section 96.19(3), may be used to qualify the  
17 9 individual for benefits.

17 10 In Code section 96.5(1), new paragraph "b" provides that an  
17 11 individual shall not be disqualified from benefits if an  
17 12 individual left employment when the individual's spouse was  
17 13 forced to relocate by the spouse's employer to another area or  
17 14 when the spouse was forced to relocate to another area to  
17 15 accept employment or better employment, and the individual's  
17 16 employer has no work available in the new area.

17 17 In Code section 96.5(1)(c), the bill amends the paragraph  
17 18 by broadening the provision of benefits to an individual who  
17 19 leaves a job as a result of the illness, injury, or disability  
17 20 of a member of the individual's immediate family.

17 21 In Code section 96.5(1)(j), the bill provides that  
17 22 temporary employees who fail to notify the temporary  
17 23 employment firm of the completion of each employment  
17 24 assignment shall be considered unavailable for work to qualify  
17 25 for benefits until the employer is contacted.

17 26 In Code section 96.5(1), new paragraph "k" provides that an  
17 27 individual shall not be disqualified from benefits if an  
17 28 individual left employment for reasons related to domestic  
17 29 abuse or stalking.

17 30 In Code section 96.5(1), new paragraph "l" provides that an  
17 31 individual shall not be disqualified from benefits if the  
17 32 individual voluntarily quit employment during the first 30  
17 33 calendar days of employment.

17 34 The bill strikes Code section 96.5(5)(a)(1) in order to  
17 35 incorporate the terminology into Code section 96.5(7).

18 1 In Code section 96.5(7), the bill defines "separation pay".  
18 2 The subsection provides for the treatment of the receipt of  
18 3 separation pay as wages. The bill provides that if  
18 4 notification of separation pay by the employer is made after  
18 5 10 days of notification of claim filing or if the employer  
18 6 fails to designate a period for separation pay to be  
18 7 allocated, then the separation pay amount is limited to an  
18 8 amount of one week of wages and one week of deduction from  
18 9 benefits.

18 10 In Code section 96.6(2), the bill provides that an  
18 11 individual may file an appeal of a denial of benefits within  
18 12 15 calendar days after receiving notification of the denial  
18 13 decision. Under current law the individual must file an  
18 14 appeal within 10 calendar days. The bill provides that a  
18 15 denial of benefits which causes a benefit overpayment does not  
18 16 become final unless an appeal is not filed within 15 calendar  
18 17 days of the notification of the overpayment decision. The  
18 18 bill provides that an appeal of the overpayments decision  
18 19 shall also be considered an appeal of the decision denying  
18 20 benefits which caused the overpayment, unless an appeal for  
18 21 the denial of benefits has already been held, in which case,  
18 22 the overpayment appeal is unaffected.

18 23 In Code section 96.7(2)(a)(2), the bill waives employer  
18 24 charges for unemployment claims stemming from temporary  
18 25 workers who have replaced active duty military employees. The  
18 26 bill prevents the account of an employer from being charged if



18 27 benefits are paid to an individual who is laid off as the  
18 28 result of the return to work of a permanent employee who is a  
18 29 member of the national guard or United States armed forces  
18 30 reserves ordered to temporary duty, as defined in Code section  
18 31 29A.1, subsection 3, 11, or 12, for any purpose and who has  
18 32 completed the duty, or who is a member of the civil air patrol  
18 33 performing duty pursuant to Code section 29A.3A and who has  
18 34 completed the duty.

18 35 In Code section 96.19, the bill adds a definition for  
19 1 "alternate base period".

19 2 In Code section 96.19(38)(b), the bill amends the  
19 3 definition of partial unemployment. An individual is deemed  
19 4 partially unemployed in any week when the individual while  
19 5 employed at the individual's regular job works less than the  
19 6 full-time week or when the individual is separated from the  
19 7 individual's regular job.

19 8 In Code section 96.19(38)(c), the bill provides that an  
19 9 individual shall be deemed temporarily unemployed if for a  
19 10 period not to exceed eight consecutive weeks the individual is  
19 11 unemployed but will be returning to work. The current law  
19 12 designates an individual temporarily unemployed for a period  
19 13 not to exceed four consecutive weeks.

19 14 In Code section 96.23(2), the bill makes a technical,  
19 15 corresponding reference change to the Code.

19 16 The bill provides that any funds received by this state  
19 17 from the federal government through section 903 of the federal  
19 18 Social Security Act due to enactment of the bill are to be  
19 19 appropriated in the future by the general assembly to the  
19 20 department of workforce development for the payment of  
19 21 unemployment insurance benefits or for the administration of  
19 22 the Iowa employment security law and public employment  
19 23 offices.

19 24 The section of this Act amending Code section 96.3 applies  
19 25 to any week of unemployment benefits beginning on or after  
19 26 July 1, 2008. The sections of this Act amending Code sections  
19 27 96.4 and 96.5 take effect June 29, 2008, and apply to any  
19 28 claim with an effective date on or after June 29, 2008.

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