

House Study Bill 143 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LABOR BILL BY CHAIRPERSON
DEYOE)

A BILL FOR

1 An Act relating to disqualification from eligibility for
2 unemployment benefits and including effective date
3 provisions.

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

1 Section 1. Section 96.5, unnumbered paragraph 1, Code 2017,
2 is amended to read as follows:

3 An individual shall be disqualified for benefits, regardless
4 of the source of the individual's wage credits:

5 Sec. 2. Section 96.5, subsection 2, paragraph a, Code 2017,
6 is amended to read as follows:

7 a. ~~The individual shall be disqualified for benefits~~
8 disqualification shall continue until the individual has worked
9 in and has been paid wages for insured work equal to ten times
10 the individual's weekly benefit amount, provided the individual
11 is otherwise eligible.

12 Sec. 3. Section 96.5, Code 2017, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 11. *Incarceration — disqualified.* If
15 the department finds that the individual became separated
16 from employment due to the individual's incarceration in a
17 jail, municipal holding facility, or correctional institution
18 or facility. The disqualification shall continue until the
19 individual has worked in and has been paid wages for insured
20 work equal to ten times the individual's weekly benefit amount,
21 provided the individual is otherwise eligible.

22 NEW SUBSECTION. 12. *Supplemental part-time employment.* If
23 the department finds that an individual is disqualified for
24 benefits under subsection 1 or 2 based on the nature of the
25 individual's separation from supplemental part-time employment,
26 all wages paid by the supplemental part-time employer to that
27 individual in any quarter which are chargeable following a
28 disqualifying separation under subsection 1 or 2 shall not be
29 considered wages credited to the individual until such time
30 as the individual meets the conditions of requalification
31 as provided for in this chapter, or until the period of
32 disqualification provided for in this chapter has elapsed.

33 Sec. 4. Section 96.6, subsection 2, Code 2017, is amended
34 to read as follows:

35 2. *Initial determination.* A representative designated by

1 the director shall promptly notify all interested parties to
2 the claim of its filing, and the parties have ten days from
3 the date of mailing the notice of the filing of the claim by
4 ordinary mail to the last known address to protest payment of
5 benefits to the claimant. The representative shall promptly
6 examine the claim and any protest, take the initiative to
7 ascertain relevant information concerning the claim, and, on
8 the basis of the facts found by the representative, shall
9 determine whether or not the claim is valid, the week with
10 respect to which benefits shall commence, the weekly benefit
11 amount payable and its maximum duration, and whether any
12 disqualification shall be imposed. The claimant has the burden
13 of proving that the claimant meets the basic eligibility
14 conditions of [section 96.4](#). The employer has the burden of
15 proving that the claimant is disqualified for benefits pursuant
16 to [section 96.5](#), except as provided by [this subsection](#). The
17 claimant has the initial burden to produce evidence showing
18 that the claimant is not disqualified for benefits in cases
19 involving [section 96.5, subsection subsections 10 and 11](#), and
20 has the burden of proving that a voluntary quit pursuant to
21 [section 96.5, subsection 1](#), was for good cause attributable
22 to the employer and that the claimant is not disqualified
23 for benefits in cases involving [section 96.5, subsection 1](#),
24 paragraphs "a" through "h". Unless the claimant or other
25 interested party, after notification or within ten calendar
26 days after notification was mailed to the claimant's last
27 known address, files an appeal from the decision, the decision
28 is final and benefits shall be paid or denied in accordance
29 with the decision. If an administrative law judge affirms a
30 decision of the representative, or the appeal board affirms a
31 decision of the administrative law judge allowing benefits,
32 the benefits shall be paid regardless of any appeal which is
33 thereafter taken, but if the decision is finally reversed,
34 no employer's account shall be charged with benefits so paid
35 and this relief from charges shall apply to both contributory

1 and reimbursable employers, notwithstanding section 96.8,
2 subsection 5.

3 Sec. 5. EFFECTIVE DATE. This Act takes effect July 2, 2017.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill provides that an individual disqualified for
8 unemployment benefits is disqualified for benefits regardless
9 of the source of the individual's wage credits.

10 The bill provides that if the department of workforce
11 development finds that an individual became separated from
12 employment due to the individual's incarceration in a jail,
13 municipal holding facility, or correctional institution or
14 facility, the individual shall be disqualified from benefits.
15 The bill provides that the disqualification shall continue
16 until the individual has worked in and has been paid wages for
17 insured work equal to 10 times the individual's weekly benefit
18 amount, provided the individual is otherwise eligible. The
19 bill provides that an individual claiming benefits bears the
20 legal burden to prove that the individual is not disqualified
21 from benefits due to such incarceration.

22 The bill provides that if the department of workforce
23 development finds that an individual is disqualified for
24 unemployment benefits due to voluntarily quitting employment
25 or a discharge for misconduct, based on the nature of the
26 individual's separation from supplemental part-time employment,
27 all wages paid by the supplemental part-time employer to that
28 individual in any quarter which are chargeable following such
29 a disqualification shall not be considered wages credited to
30 the individual until such time as the individual meets the
31 conditions of requalification as provided for in Code chapter
32 96, or until the period of disqualification provided for in
33 Code chapter 96 has elapsed.

34 The bill takes effect July 2, 2017.