

Senate File 2110 - Introduced

SENATE FILE 2110

BY CHAPMAN

A BILL FOR

1 An Act concerning disqualification from eligibility for
2 unemployment benefits due to discharge for misconduct.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 96.5, subsection 2, Code 2018, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *Ob.* Misconduct is deemed to have occurred
4 in circumstances including but not limited to any of the
5 following:

6 (1) The individual loses employment as a result of the
7 individual's failure to obey a rule, order, or instruction of
8 the employer.

9 (2) The individual loses employment as a result of the
10 individual's failure to discharge the duties for which the
11 individual was employed.

12 (3) The individual loses employment as a result of the
13 individual's disregard of the employer's interests or of the
14 individual's duties or obligations to the employer.

15 Sec. 2. Section 96.6, subsection 2, Code 2018, is amended
16 to read as follows:

17 2. *Initial determination.* A representative designated by
18 the director shall promptly notify all interested parties to
19 the claim of its filing, and the parties have ten days from
20 the date of mailing the notice of the filing of the claim by
21 ordinary mail to the last known address to protest payment of
22 benefits to the claimant. The representative shall promptly
23 examine the claim and any protest, take the initiative to
24 ascertain relevant information concerning the claim, and, on
25 the basis of the facts found by the representative, shall
26 determine whether or not the claim is valid, the week with
27 respect to which benefits shall commence, the weekly benefit
28 amount payable and its maximum duration, and whether any
29 disqualification shall be imposed. The claimant has the burden
30 of proving that the claimant meets the basic eligibility
31 conditions of [section 96.4](#). The employer has the burden of
32 proving that the claimant is disqualified for benefits pursuant
33 to [section 96.5](#), except as provided by [this subsection](#). The
34 claimant has the initial burden to produce evidence showing
35 that the claimant is not disqualified for benefits in cases

1 involving [section 96.5, subsections 10 and 11](#), and has the
2 burden of proving that a voluntary quit pursuant to section
3 96.5, subsection 1, was for good cause attributable to the
4 employer and that the claimant is not disqualified for benefits
5 in cases involving [section 96.5, subsection 1](#), paragraphs
6 "a" through "h". When making a determination as to whether
7 a claimant is disqualified for benefits pursuant to section
8 96.5, subsection 2, the representative shall not consider
9 whether, to what extent, or in what manner an employer imposed
10 disciplinary action upon the claimant for any past misconduct
11 by the claimant. Unless the claimant or other interested
12 party, after notification or within ten calendar days after
13 notification was mailed to the claimant's last known address,
14 files an appeal from the decision, the decision is final
15 and benefits shall be paid or denied in accordance with the
16 decision. If an administrative law judge affirms a decision of
17 the representative, or the appeal board affirms a decision of
18 the administrative law judge allowing benefits, the benefits
19 shall be paid regardless of any appeal which is thereafter
20 taken, but if the decision is finally reversed, no employer's
21 account shall be charged with benefits so paid and this relief
22 from charges shall apply to both contributory and reimbursable
23 employers, notwithstanding [section 96.8, subsection 5](#).

24

EXPLANATION

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26

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

27 Under current law, an individual is disqualified from
28 eligibility for unemployment benefits if the department of
29 workforce development finds that the individual has been
30 discharged for misconduct in connection with the individual's
31 employment. "Misconduct" is defined by the department by rule.
32 This bill provides that misconduct is deemed to have
33 occurred in circumstances including but not limited to certain
34 circumstances specified in the bill. The circumstances
35 include the individual losing employment as a result of the

1 individual's failure to obey a rule, order, or instruction of
2 the employer; the individual losing employment as a result of
3 the individual's failure to discharge the duties for which the
4 individual was employed; and the individual losing employment
5 as a result of the individual's disregard of the employer's
6 interests or the individual's duties or obligations to the
7 employer.

8 The bill also prohibits the department from considering
9 whether, to what extent, or in what manner an employer imposed
10 disciplinary action upon an individual for any past misconduct
11 by the individual when making a determination as to whether the
12 individual is disqualified for benefits due to being discharged
13 for misconduct.