

Senate File 481 - Introduced

SENATE FILE 481
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SSB 1159)

A BILL FOR

1 An Act concerning unemployment benefits and including effective
2 date provisions.

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

1 Section 1. Section 96.1A, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 43. "*Work search*" means any of the
4 following:

- 5 a. Applying for a job by submitting a resume or application
6 to a potential employer in person, through an internet site, or
7 by mail, electronic mail, or facsimile.
- 8 b. Taking a civil service exam.
- 9 c. Submitting a resume to home base Iowa if the individual
10 is a veteran as defined in section 35.1.
- 11 d. Registering with a placement facility of a school or
12 college.
- 13 e. Interviewing for a job virtually, in person, or at a job
14 fair.
- 15 f. Attending a workshop at an employment office.
- 16 g. Attending a job fair sponsored by an employment office or
17 partner entity designated by the department.
- 18 h. Attending a scheduled career networking meeting at an
19 employment office.
- 20 i. Creating a reemployment plan subject to requirements and
21 procedures established by the department.
- 22 j. Attending an appointment with a career planner at an
23 employment office.
- 24 k. Attending an appointment with an entity pursuant to a
25 core program as defined in section 84A.2.
- 26 l. Participating in a mock interview at an employment
27 office.

28 Sec. 2. Section 96.3, subsection 4, Code 2023, is amended
29 to read as follows:

30 4. *Determination of benefits.*

31 a. ~~With respect to benefit years beginning on or after July~~
32 ~~1, 1983, an~~ An eligible individual's weekly benefit amount for
33 a week of total unemployment shall be an amount equal to the
34 following fractions of the individual's total wages in insured
35 work paid during that quarter of the individual's base period

1 in which such total wages were highest. The director shall
 2 determine annually a maximum weekly benefit amount equal to
 3 the following percentages, to vary with the number of based on
 4 whether the individual has dependents, of the statewide average
 5 weekly wage paid to employees in insured work which shall be
 6 effective the first day of the first full week in July:

7 If the	The weekly	Subject to
8 number of	benefit amount	the following
9 dependents	shall equal	maximum
10 is:	the following	percentage of
11	fraction of high	the statewide
12	quarter wages:	average
13		weekly wage:
14 0	1/23	53%
15 1 <u>or more</u>	1/22	55% <u>57%</u>
16 2	1/21	57%
17 3	1/20	60%
18 4 or more	1/19	65%

19 b. The maximum weekly benefit amount, if not a multiple of
 20 one dollar, shall be rounded to the ~~lower~~ upper multiple of
 21 one dollar. ~~However, until such time as sixty-five percent of~~
 22 ~~the statewide average weekly wage exceeds one hundred ninety~~
 23 ~~dollars, the~~ The maximum weekly benefit amounts shall be
 24 determined using the statewide average weekly wage computed on
 25 the basis of wages reported for the current calendar year ~~1981~~.
 26 ~~As used in this section, "dependent" means dependent as defined~~
 27 ~~in section 422.12, subsection 1, paragraph "a", as if the~~
 28 ~~individual claimant was a taxpayer, except that an individual~~
 29 ~~claimant's nonworking spouse shall be deemed to be a dependent~~
 30 ~~under this section. "Nonworking spouse" means a spouse who does~~
 31 ~~not earn more than one hundred twenty dollars in gross wages~~
 32 ~~in one week.~~

33 Sec. 3. Section 96.4, subsection 3, Code 2023, is amended
 34 to read as follows:

35 3. a. The individual is able to work, is available for

1 work, and is earnestly and actively seeking work.

2 b. (1) A person shall be required, at a minimum, to meet
3 the following requirements to be deemed earnestly and actively
4 seeking work:

5 (a) If the number of available jobs is at or above sixty
6 thousand, the person must complete a minimum of six work
7 searches for each week the person applies for benefits.

8 (b) If the number of available jobs is at or above fifty
9 thousand but below sixty thousand, the person must complete a
10 minimum of five work searches for each week the person applies
11 for benefits.

12 (c) If the number of available jobs is below fifty thousand,
13 the person must complete a minimum of four work searches for
14 each week the person applies for benefits.

15 (2) A work search shall not satisfy the requirements of this
16 paragraph if the individual previously applied for the same
17 position within the most recent four weeks.

18 (3) The department shall provide on a weekly basis to an
19 individual applying for benefits a list of known available
20 jobs within a fifty-mile radius of the applicant's residence
21 in fields related to the employment the applicant had within
22 the most recent ten years, in fields which the applicant
23 has identified an interest, or that require skills that the
24 applicant claimed to have when applying for benefits.

25 (4) At least half of the individual's work searches shall
26 be from the list of known available jobs provided by the
27 department pursuant to subparagraph (3).

28 (5) For the purposes of this paragraph, "the number of
29 available jobs" means the number of jobs listed as available as
30 published by the department on the first day of the previous
31 month.

32 (6) No more than one of the individual's work searches shall
33 be from the activities provided in section 96.1A, subsection
34 43, paragraphs "c" through "l".

35 c. This subsection is waived if the individual is deemed

1 partially unemployed, while employed at the individual's
 2 regular job, as defined in [section 96.1A, subsection 37](#),
 3 paragraph "b", subparagraph (1), or temporarily unemployed
 4 as defined in [section 96.1A, subsection 37](#), paragraph "c".
 5 The work search requirements of [this subsection](#) and the
 6 disqualification requirement for failure to apply for, or
 7 to accept suitable work of [section 96.5, subsection 3](#), are
 8 waived if the individual is not disqualified for benefits under
 9 section 96.5, subsection 1, paragraph "h".

10 ~~b.~~ d. Notwithstanding any provision of [this chapter](#) to the
 11 contrary, the department may establish by rule a process to
 12 waive or alter the work search requirements of [this subsection](#)
 13 for a claim for benefits if an individual has a reasonable
 14 expectation that the individual will be returning to employment
 15 and is attached to a regular job or industry or a member in
 16 good standing of a union therein eligible for referral for
 17 employment. To be considered attached to a regular job or
 18 industry, an individual must be on a short-term temporary
 19 layoff. ~~If work is not available at the conclusion of the~~
 20 ~~layoff period due to short-term circumstances beyond the~~
 21 ~~employer's control, the employer may request an extension~~
 22 ~~of the waiver or alteration for up to two weeks from the~~
 23 ~~department.~~ For purposes of this paragraph, "*short-term*
 24 *temporary layoff*" means a layoff period of sixteen weeks or
 25 less due to seasonal weather conditions that impact the ability
 26 to perform work related to highway construction, repair, or
 27 maintenance with a specific return-to-work date verified by the
 28 employer.

29 Sec. 4. Section 96.6, subsection 2, Code 2023, is amended
 30 to read as follows:

31 2. *Initial determination.* A representative designated by
 32 the director shall promptly notify all interested parties to
 33 the claim of its filing, and the parties have ten calendar
 34 days from the date of issuance of the notice of the filing of
 35 the claim to protest payment of benefits to the claimant. All

1 interested parties shall select a format as specified by the
2 department to receive such notifications. The representative
3 shall promptly examine the claim and any protest, take the
4 initiative to ascertain relevant information concerning
5 the claim, and, on the basis of the facts found by the
6 representative, shall determine whether or not the claim is
7 valid, the week with respect to which benefits shall commence,
8 the weekly benefit amount payable and its maximum duration, and
9 whether any disqualification shall be imposed. The claimant
10 has the burden of proving that the claimant meets the basic
11 eligibility conditions of [section 96.4](#). The employer has
12 the burden of proving that the claimant is disqualified for
13 benefits pursuant to [section 96.5](#), except as provided by this
14 subsection. The claimant has the initial burden to produce
15 evidence showing that the claimant is not disqualified for
16 benefits in cases involving section 96.5, subsections 10
17 and 11, and has the burden of proving that a voluntary quit
18 pursuant to [section 96.5, subsection 1](#), was for good cause
19 attributable to the employer and that the claimant is not
20 disqualified for benefits in cases involving section 96.5,
21 subsection 1, paragraphs "a" through "h". Unless the claimant
22 or other interested party, after notification or within
23 ten calendar days after notification was issued, files an
24 appeal from the decision, the decision is final and benefits
25 shall be paid or denied in accordance with the decision.
26 If an administrative law judge affirms a decision of the
27 representative, or the appeal board affirms a decision of the
28 administrative law judge allowing benefits, the benefits shall
29 be paid regardless of any appeal which is thereafter taken,
30 but if the decision is finally reversed, no employer's account
31 shall be charged with benefits so paid and this relief from
32 charges shall apply to both contributory and reimbursable
33 employers, notwithstanding section 96.8, subsection 5.
34 Sec. 5. REPORT. The department of workforce development
35 shall submit a report to the general assembly no later

1 than July 1, 2023, detailing the status of the department's
2 modernization project.

3 Sec. 6. IMPLEMENTATION. The department of workforce
4 development shall implement the following no later than the
5 completion of the department's modernization project:

6 1. The section of this Act amending section 96.3, subsection
7 4.

8 2. The section of this Act amending section 96.4, subsection
9 3.

10 Sec. 7. EFFECTIVE DATE.

11 1. Except as provided in subsection 2, this Act takes effect
12 January 1, 2024.

13 2. The following, being deemed of immediate importance,
14 takes effect upon enactment:

15 The section of this Act providing for a report by the
16 department of workforce development to the general assembly.

17 EXPLANATION

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

20 This bill relates to unemployment benefits.

21 The bill strikes language providing that an eligible
22 individual's maximum weekly benefit amount varies with the
23 number of the individual's dependents. The bill instead
24 provides that an individual with dependents will have a weekly
25 benefit amount of 1/22 the individual's highest gross quarterly
26 salary during the individual's base period, subject to a
27 maximum of 57 percent of the statewide average weekly wage.

28 The bill provides that the maximum weekly benefit amount for
29 unemployment benefits shall be rounded to the upper multiple of
30 \$1, rather than the lower multiple as provided under current
31 law.

32 The bill requires a person applying for unemployment
33 benefits to complete a specified number of work searches,
34 as defined in the bill, based on the number of jobs listed
35 as available as published by the department of workforce

1 development (IWD) on the first day of the previous month, for
2 each week the person is applying for benefits in order to
3 be eligible for benefits. A work search shall not satisfy
4 an individual's eligibility requirements if the individual
5 previously applied to the same position within the most recent
6 four weeks. Specified types of work searches can only be
7 counted once per week toward the total weekly requirements.

8 The bill requires that at least half of the work searches
9 an individual uses to meet eligibility requirements must be
10 from a list of known available jobs within a 50-mile radius
11 of the individual's residence in fields related to employment
12 the applicant held within the most recent 10 years, in fields
13 which the applicant has identified an interest, or that require
14 skills that the individual claimed to have when applying for
15 benefits. The bill requires IWD to provide the individual a
16 list of these jobs on a weekly basis.

17 The bill strikes language providing that when IWD waives or
18 alters the work search requirements for a claim for benefits if
19 an individual has a reasonable expectation that the individual
20 will be returning to employment and is attached to a regular
21 job or industry on a short-term temporary layoff, the employer
22 may request an extension of the waiver or alteration for up
23 to two weeks if work is not available at the conclusion of
24 the layoff period due to short-term circumstances beyond the
25 employer's control.

26 The bill requires IWD to submit a report to the general
27 assembly no later than July 1, 2023, detailing the status
28 of IWD's modernization project. The bill provides that IWD
29 shall implement provisions of the bill relating to dependents
30 and work searches no later than the completion of IWD's
31 modernization project.

32 The bill takes effect January 1, 2024, except the provision
33 providing for a report by IWD, which takes effect upon
34 enactment.