

Senate Study Bill 1159 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON WORKFORCE BILL BY
CHAIRPERSON DICKEY)

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, subsection 18, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 "*Exhaustee*" means an individual who, with respect to any
4 week of unemployment in the individual's eligibility period
5 has received, prior to such week, all of the regular benefits
6 that were available to the individual under **this chapter** or any
7 other state law, including ~~dependents' allowances and~~ benefits
8 payable to federal civilian employees and former armed forces
9 personnel under 5 U.S.C. ch. 85, in the individual's current
10 benefit year that includes such weeks. Provided that for the
11 purposes of **this subsection** an individual shall be deemed to
12 have received all of the regular benefits that were available
13 to the individual, although as a result of a pending appeal
14 with respect to wages that were not considered in the original
15 monetary determination in the individual's benefit year the
16 individual may subsequently be determined to be entitled to add
17 regular benefits, or:

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

20 NEW SUBSECTION. 43. "*Work search*" means any of the
21 following:

22 a. Applying for a job by submitting a resume or application
23 to a potential employer in person, through the mail, by
24 electronic means, or by fax transmission.

25 b. Interviewing for a job virtually or in person.

26 c. Taking a civil service exam.

27 d. Taking a military aptitude exam.

28 Sec. 3. 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. 4. 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 c. This subsection is waived if the individual is deemed
33 partially unemployed, while employed at the individual's
34 regular job, as defined in section 96.1A, subsection 37,
35 paragraph "b", subparagraph (1), or temporarily unemployed

1 as defined in [section 96.1A, subsection 37](#), paragraph "c".
2 The work search requirements of [this subsection](#) and the
3 disqualification requirement for failure to apply for, or
4 to accept suitable work of [section 96.5, subsection 3](#), are
5 waived if the individual is not disqualified for benefits under
6 [section 96.5, subsection 1, paragraph "h"](#).

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

26 Sec. 5. Section 96.4, Code 2023, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 8. The individual has completed one search
29 activity each week from a list of permissible search activities
30 as designated by the department. This shall be in addition
31 to the requirements under subsection 3. A search activity
32 shall only meet the requirements of this subsection if the
33 individual has not previously performed that type of search
34 activity during the individual's benefit year in order to
35 remain eligible under this subsection. The department shall

1 adopt rules to implement this subsection. The department shall
2 establish by rule sixteen different types of search activities
3 acceptable to meet the requirements of this subsection.

4 Sec. 6. Section 96.6, subsection 2, Code 2023, is amended
5 to read as follows:

6 2. *Initial determination.* A representative designated by
7 the director shall promptly notify all interested parties to
8 the claim of its filing, and the parties have ~~ten~~ fourteen
9 calendar days from the date of issuance of the notice of the
10 filing of the claim to protest payment of benefits to the
11 claimant. All interested parties shall select a format as
12 specified by the department to receive such notifications.
13 The representative shall promptly examine the claim and any
14 protest, take the initiative to ascertain relevant information
15 concerning the claim, and, on the basis of the facts found
16 by the representative, shall determine whether or not the
17 claim is valid, the week with respect to which benefits shall
18 commence, the weekly benefit amount payable and its maximum
19 duration, and whether any disqualification shall be imposed.
20 The claimant has the burden of proving that the claimant meets
21 the basic eligibility conditions of [section 96.4](#). The employer
22 has the burden of proving that the claimant is disqualified
23 for benefits pursuant to [section 96.5](#), except as provided
24 by [this subsection](#). The claimant has the initial burden to
25 produce evidence showing that the claimant is not disqualified
26 for benefits in cases involving section 96.5, subsections 10
27 and 11, and has the burden of proving that a voluntary quit
28 pursuant to [section 96.5, subsection 1](#), was for good cause
29 attributable to the employer and that the claimant is not
30 disqualified for benefits in cases involving section 96.5,
31 subsection 1, paragraphs "a" through "h". Unless the claimant
32 or other interested party, after notification or within ~~ten~~
33 fourteen calendar days after notification was issued, files an
34 appeal from the decision, the decision is final and benefits
35 shall be paid or denied in accordance with the decision.

1 If an administrative law judge affirms a decision of the
2 representative, or the appeal board affirms a decision of the
3 administrative law judge allowing benefits, the benefits shall
4 be paid regardless of any appeal which is thereafter taken,
5 but if the decision is finally reversed, no employer's account
6 shall be charged with benefits so paid and this relief from
7 charges shall apply to both contributory and reimbursable
8 employers, notwithstanding [section 96.8, subsection 5](#). The
9 department shall by rule allow an employer to protest a payment
10 of unemployment benefits and to protest and sign a notice of
11 claim electronically using a form created by the department.

12 **Sec. 7. NEW SECTION. 96A.1 Definitions.**

13 For the purposes of this chapter:

14 1. "*Nonparticipating workforce rate*" means the portion of
15 the population that is not employed or earnestly and actively
16 seeking work as described in section 96.4, subsection 3.

17 2. "*Workforce term*" means the nonparticipating workforce
18 rate, the state unemployment rate, or the number of known,
19 available jobs in Iowa as published by the department of
20 workforce development.

21 **Sec. 8. NEW SECTION. 96A.2 State publications —**
22 **unemployment rates.**

23 1. When a state agency makes a reference to the state
24 unemployment rate in an official written statement from the
25 agency or in a report or other document that is published and
26 available to the public, the agency shall include a reference
27 to the nonparticipating workforce rate.

28 2. When the department of workforce development makes
29 a reference to a workforce term in an official written
30 statement or in a report or other document that is published
31 and available to the public, the department of workforce
32 development shall also reference each other workforce term.

33 **Sec. 9. EFFECTIVE DATE.** This Act takes effect January 1,
34 2024.

35

EXPLANATION

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

3 This bill relates to unemployment benefits.

4 The bill strikes language providing that an eligible
5 individual's maximum weekly benefit amount varies with the
6 number of the individual's dependents. The bill instead
7 provides that an individual with dependents will have a weekly
8 benefit amount of 1/22 the individual's highest gross quarterly
9 salary during the individual's base period, subject to a
10 maximum of 57 percent of the statewide average weekly wage.

11 The bill provides that the maximum weekly benefit amount for
12 unemployment benefits shall be rounded to the upper multiple of
13 \$1, rather than the lower multiple as provided under current
14 law.

15 The bill requires a person applying for unemployment
16 benefits to complete a specified number of work searches, based
17 on the number of jobs listed as available as published by the
18 department of workforce development (IWD) on the first day of
19 the previous month, for each week the person is applying for
20 benefits in order to be eligible for benefits. A work search
21 shall not satisfy an individual's eligibility requirements if
22 the individual previously applied to the same position within
23 the most recent four weeks.

24 The bill defines "work search" as applying for a job by
25 submitting a resume or application to a potential employer
26 in person, through the mail, by electronic means, or by fax
27 transmission; interviewing for a job virtually or in person;
28 taking a civil service exam; or taking a military aptitude
29 exam.

30 The bill requires that at least half of the work searches
31 an individual uses to meet eligibility requirements must be
32 from a list of known available jobs within a 50-mile radius
33 of the individual's residence in fields related to employment
34 the applicant held within the most recent 10 years, in fields
35 which the applicant has identified an interest, or that require

1 skills that the individual claimed to have when applying for
2 benefits. The bill requires IWD to provide the individual a
3 list of these jobs on a weekly basis.

4 The bill requires a person applying for unemployment
5 benefits to complete one search activity each week as
6 designated by IWD in order to be eligible for unemployment
7 benefits. The search activities are in addition to other
8 work search requirements to receive unemployment benefits. A
9 search activity shall only meet eligibility requirements if the
10 individual has not previously performed that type of search
11 activity during the individual's benefit year in order to
12 remain eligible. The bill requires IWD to establish by rule 16
13 different types of search activities acceptable to meet these
14 requirements.

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

24 The bill requires IWD to allow an employer to protest a
25 payment of unemployment benefits and to protest and sign a
26 notice of claim electronically using a form created by IWD.

27 The bill increases the periods for parties to protest
28 payment of unemployment benefits to a claimant, and to file
29 an appeal from a decision regarding the eligibility for, or
30 amount or duration of, a claim for unemployment benefits to 14
31 calendar days.

32 The bill requires that, when a state agency makes a reference
33 to the state unemployment rate in an official written statement
34 from the agency or in a report or other document that is
35 published and available to the public, the agency shall include

1 a reference to the nonparticipating workforce rate. The bill
2 also requires that when IWD makes a reference to a workforce
3 term in an official written statement or in a report or other
4 document that is published and available to the public, the
5 IWD must also reference each other workforce term. The bill
6 defines "nonparticipating workforce rate" as the portion of
7 the population that is not employed or earnestly and actively
8 seeking work. The bill defines "workforce term" as the
9 nonparticipating workforce rate, the state unemployment rate,
10 or the number of known, available jobs in Iowa as published by
11 IWD.

12 The bill takes effect January 1, 2024.