

House File 533 - Reprinted

HOUSE FILE 533

BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 143)

(As Amended and Passed by the House March 20, 2017)

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.*

15 a. If the department finds that the individual became
16 separated from employment due to the individual's incarceration
17 in a jail, municipal holding facility, or correctional
18 institution or facility, unless the department finds all of the
19 following:

20 (1) The individual notified the employer that the
21 individual would be absent from work due to the individual's
22 incarceration prior to any such absence.

23 (2) Criminal charges relating to the incarceration were
24 not filed against the individual, all criminal charges against
25 the individual relating to the incarceration were dismissed,
26 or the individual was found not guilty of all criminal charges
27 relating to the incarceration.

28 (3) The individual reported back to the employer within two
29 work days of the individual's release from incarceration and
30 offered services.

31 (4) The employer rejected the individual's offer of
32 services.

33 b. A disqualification under this subsection shall continue
34 until the individual has worked in and has been paid wages for
35 insured work equal to ten times the individual's weekly benefit

1 amount, provided the individual is otherwise eligible.

2 NEW SUBSECTION. 12. *Supplemental part-time employment.* If
3 the department finds that an individual is disqualified for
4 benefits under subsection 1 or 2 based on the nature of the
5 individual's separation from supplemental part-time employment,
6 all wages paid by the supplemental part-time employer to that
7 individual in any quarter which are chargeable following a
8 disqualifying separation under subsection 1 or 2 shall not be
9 considered wages credited to the individual until such time
10 as the individual meets the conditions of requalification
11 as provided for in this chapter, or until the period of
12 disqualification provided for in this chapter has elapsed.

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

15 2. *Initial determination.* A representative designated by
16 the director shall promptly notify all interested parties to
17 the claim of its filing, and the parties have ten days from
18 the date of mailing the notice of the filing of the claim by
19 ordinary mail to the last known address to protest payment of
20 benefits to the claimant. The representative shall promptly
21 examine the claim and any protest, take the initiative to
22 ascertain relevant information concerning the claim, and, on
23 the basis of the facts found by the representative, shall
24 determine whether or not the claim is valid, the week with
25 respect to which benefits shall commence, the weekly benefit
26 amount payable and its maximum duration, and whether any
27 disqualification shall be imposed. The claimant has the burden
28 of proving that the claimant meets the basic eligibility
29 conditions of [section 96.4](#). The employer has the burden of
30 proving that the claimant is disqualified for benefits pursuant
31 to [section 96.5](#), except as provided by [this subsection](#). The
32 claimant has the initial burden to produce evidence showing
33 that the claimant is not disqualified for benefits in cases
34 involving [section 96.5](#), ~~subsection~~ [subsections 10 and 11](#), and
35 has the burden of proving that a voluntary quit pursuant to

1 section 96.5, subsection 1, was for good cause attributable
2 to the employer and that the claimant is not disqualified
3 for benefits in cases involving [section 96.5, subsection 1,](#)
4 paragraphs "a" through "h". Unless the claimant or other
5 interested party, after notification or within ten calendar
6 days after notification was mailed to the claimant's last
7 known address, files an appeal from the decision, the decision
8 is final and benefits shall be paid or denied in accordance
9 with the decision. If an administrative law judge affirms a
10 decision of the representative, or the appeal board affirms a
11 decision of the administrative law judge allowing benefits,
12 the benefits shall be paid regardless of any appeal which is
13 thereafter taken, but if the decision is finally reversed,
14 no employer's account shall be charged with benefits so paid
15 and this relief from charges shall apply to both contributory
16 and reimbursable employers, notwithstanding section 96.8,
17 subsection 5.

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