

1 SEC. 8. Section ninety-six point nine (96.9), subsection six (6),
 2 Code 1958, is hereby amended by renumbering said subsection six
 3 (6) as subsection eight (8).

1 SEC. 9. Section ninety-six point thirteen (96.13), subsection one
 2 (1), Code 1958, is hereby amended as follows:

3 1. Insert in line seven (7) after the word "fund" the following:
 4 " , except money received pursuant to subsection four (4) of section
 5 ninety-six point nine (96.9) of this chapter,".

6 2. Strike from lines twelve (12) and thirteen (13) the words
 7 "social security board" and insert in lieu thereof the words "secre-
 8 tary of labor."

9 3. Strike from lines seventeen (17) and eighteen (18) the words
 10 "social security board" and insert in lieu thereof the words "depart-
 11 ment of labor."

12 4. Add the following sentence at the end of said subsection one
 13 (1):

14 "Notwithstanding any provision of this section, all money requi-
 15 sitioned and deposited in this fund pursuant to paragraph c of sub-
 16 section four (4) of section ninety-six point nine (96.9) of this chap-
 17 ter shall remain part of the unemployment compensation fund and
 18 shall be used only in accordance with the conditions specified in said
 19 subsection four (4) of section nine (9)."

Approved May 15, 1959.

CHAPTER 112

EMPLOYMENT SECURITY

S. F. 420

AN ACT to amend chapter ninety-six (96), Code 1958, relating to employment security and the determination and payment of unemployment compensation benefits, so as to provide for increased weekly benefits up to a maximum of forty-four dollars (\$44.00) per week taking into consideration family status and number of dependents, and up to twenty-six (26) weeks duration; also relating to eligibility, qualification and disqualification for benefits, and to the relaxation and liberalization of certain disqualification provisions.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-six point three (96.3), Code 1958, is
 2 amended as follows:

3 1. Strike from line six (6) of subsection three (3), the word
 4 "three" and insert in lieu thereof the word "six".

5 2. Strike subsection four (4) and substitute in lieu thereof the
 6 following:

7 "4. Determination of benefits. The weekly benefit amount pay-
 8 able to any individual shall be the amount appearing in the fol-
 9 lowing schedule in column A opposite the wage bracket in column B
 10 stating the total wages for insured work paid to such individual dur-
 11 ing the calendar quarter of his base period in which such total wages
 12 were the highest:

	A		B
	Weekly Benefit Amount		High Quarter Wages and over
13			
14			
15	\$44.00	.....	\$1072.51
16	43.00	.....	1037.51
17	42.00	.....	1002.51
18	41.00	.....	967.51
19	40.00	.....	932.51
20	39.00	.....	897.51
21	38.00	.....	862.51
22	37.00	.....	827.51
23	36.00	.....	792.51
24	35.00	.....	757.51
25	34.00	.....	722.51
26	33.00	.....	687.51
27	32.00	.....	652.51
28	31.00	.....	617.51
29	30.00	.....	590.01
30	29.00	.....	570.01
31	28.00	.....	550.01
32	27.00	.....	530.01
33	26.00	.....	510.01
34	25.00	.....	490.01
35	24.00	.....	470.01
36	23.00	.....	450.01
37	22.00	.....	430.01
38	21.00	.....	410.01
39	20.00	.....	390.01
40	19.00	.....	370.01
41	18.00	.....	350.01
42	17.00	.....	330.01
43	16.00	.....	310.01
44	15.00	.....	290.01
45	14.00	.....	270.01
46	13.00	.....	250.01
47	12.00	.....	230.01
48	11.00	.....	210.01
49	10.00	.....	100.00

50 Provided, however, that the weekly benefit amount payable to any
51 individual for any one (1) week shall not exceed:

52 Forty-four dollars (\$44.00) if the individual has no spouse or a
53 nonworking spouse and four (4) or more children;

54 Forty dollars (\$40.00) if the individual has no spouse or a non-
55 working spouse and three (3) children;

56 Thirty-seven dollars (\$37.00) if the individual has no spouse or a
57 nonworking spouse and two (2) children;

58 Thirty-four dollars (\$34.00) if the individual has no spouse or a
59 nonworking spouse and one (1) child;

60 Thirty-two dollars (\$32.00) if the individual has a nonworking
61 spouse and no children;

62 Thirty-nine dollars (\$39.00) if the individual has a working spouse
63 and four (4) or more children;

64 Thirty-six dollars (\$36.00) if the individual has a working spouse
65 and three (3) children;

66 Thirty-four dollars (\$34.00) if the individual has a working spouse
67 and two (2) children;

68 Thirty-two dollars (\$32.00) if the individual has a working spouse
69 and one (1) child;

70 Thirty dollars (\$30.00) if the individual is not married or is mar-
71 ried and has a working spouse and no children.

72 For the purposes of this subsection the term 'child' means a nat-
73 ural child, stepchild or adopted child under eighteen (18) years of
74 age, and over said age if physically or mentally incapacitated, of the
75 individual who is providing, and for at least ninety (90) consecutive
76 days (or for the duration of the parental relationship if it has ex-
77 isted for less than ninety (90) days) immediately preceding the
78 beginning date of such individual's benefit year has provided more
79 than one-half ($\frac{1}{2}$) of the cost of supporting such child; provided,
80 that no person who has been determined to be a child of one (1)
81 individual at the beginning date of such individual's benefit year
82 shall be deemed to be a child of any other individual whose benefit
83 year starts within one (1) year thereafter.

84 For the purposes of this subsection, the term 'nonworking spouse'
85 means the lawful husband or wife of an individual claiming benefits
86 under this chapter, for whom more than one-half ($\frac{1}{2}$) the cost of
87 support has been supplied by such individual for at least ninety (90)
88 consecutive days (or for the duration of the marital relationship if
89 it has existed for less than ninety (90) days) immediately preceding
90 the beginning of such individual's current benefit year, and who has
91 no earnings in excess of thirty dollars (\$30.00) per week, but only
92 if such husband or wife is currently ineligible to receive benefits
93 under this chapter by reason of such spouse's failure to meet the
94 requirement set forth in subsection five (5) of section ninety-six
95 point four (96.4) as amended.

96 For the purposes of this subsection the term 'working spouse'
97 means the lawful husband or wife of an individual claiming benefits
98 under this chapter who earns in excess of thirty dollars (\$30.00) per
99 week, or who meets the requirements of subsection five (5) of section
100 ninety-six point four (96.4) as amended.

101 An individual who is legally obligated to provide for the support
102 of a child or of a nonworking spouse for said period of ninety (90)
103 consecutive days, but was prevented from doing so by illness or in-
104 jury when such reason is certified to the employer and the commis-
105 sion by a licensed and practicing physician, shall be deemed to have
106 provided more than one-half ($\frac{1}{2}$) of the cost of supporting such
107 child or nonworking spouse for such period.

108 The family class to which an individual is assigned shall be deter-
109 mined as of the day with respect to which he first files a valid claim
110 for benefits in any benefit year, and shall be fixed for the duration of
111 such benefit year. The individual's statements with respect to his
112 family status, made in connection with the filing of such claim for
113 benefits, shall be accepted as establishing a prima facie showing
114 thereof, subject, however, to the penalties for fraud or false repre-
115 sentation provided in this chapter."

116 3. Strike subsection five (5) and substitute in lieu thereof the fol-
117 lowing:

118 "5. Duration of benefits. The maximum total amount of benefits

119 payable to any eligible individual during any benefit year shall not
 120 exceed the total of the wage credits accrued to his account during
 121 his base period, or twenty-six (26) times his weekly benefit amount,
 122 whichever is the lesser. The commission shall maintain a separate
 123 account for each individual who earns wages in insured work. The
 124 commission shall compute wage credits for each individual by cred-
 125 iting his account with one-third ($\frac{1}{3}$) of the wages for insured work
 126 paid him during each calendar quarter of his base period, or his
 127 weekly benefit amount multiplied by seven point two (7.2) per quar-
 128 ter, whichever is the lesser. Benefits paid to an eligible individual
 129 shall be charged against the base period wage credits in his account
 130 which have not been previously charged hereunder, in the same
 131 chronological order as the wages on which such wage credits are
 132 based were paid."

1 SEC. 2. Section ninety-six point four (96.4), Code 1958, is
 2 amended as follows:

3 1. Strike subsection three (3) and substitute in lieu thereof the
 4 following:

5 "3. He is able to work, is available for work, and is earnestly and
 6 actively seeking work."

7 2. Strike subsection five (5) and substitute in lieu thereof the
 8 following:

9 "5. He has been paid wages for insured work of not less than two
 10 hundred dollars (\$200.00) in that calendar quarter in his base period
 11 in which his wages were the highest, and also he has been paid wages
 12 for insured work of not less than one hundred dollars (\$100.00) in
 13 a calendar quarter in his base period other than the calendar quarter
 14 in which his wages were the highest; and provided further if he has
 15 drawn benefits in any benefit year, he must during or subsequent to
 16 that year, be paid wages in insured work totaling one hundred dollars
 17 (\$100.00) as a condition to receive benefits in the next benefit year."

1 SEC. 3. Section ninety-six point five (96.5), Code 1958, is amended
 2 as follows:

3 1. Strike from line five (5) of paragraph "a" of subsection one
 4 (1), the word "twelve" and insert in lieu thereof the word "six".

5 2. Change the period (.) at the end of paragraph "b" of subsec-
 6 tion one (1) to a comma (,) and add thereafter the following:
 7 "provided, however, if such temporary employment proves to be
 8 unsuitable, (if so found by the commission), he shall forfeit only
 9 the credits he may have earned in said unsuitable employment."

10 3. Add at the end of subsection one (1) the following paragraphs:

11 "d. He left his employment because of illness or injury upon the
 12 advice of a licensed and practicing physician, and upon knowledge
 13 of the necessity for such absence immediately notified his employer,
 14 or his employer consented to such absence, and after recovering
 15 from such illness or injury when recovery is certified by a licensed
 16 and practicing physician, he returned to his employer and offered his
 17 service and his regular work or comparable suitable work was not
 18 available, if so found by the commission, provided he is otherwise
 19 eligible.

20 e. He left his employment upon the advice of a licensed and prac-
 21 ticing physician, for the sole purpose of taking a member of his fam-

22 ily to a place having a different climate, during which time he shall
23 be deemed unavailable for work, and notwithstanding during such
24 absence he secures temporary employment, and returned to his regu-
25 lar employer and offered his services and his regular work or com-
26 parable work was not available, provided he is otherwise eligible.

27 f. He is the principal support of his family, or is a widow, wid-
28 ower, legally separated from his spouse, or a single person, and he
29 left his employing unit for not to exceed ten (10) working days, or
30 such additional time as may be allowed by his employer, for com-
31 pelling personal reasons (if so found by the commission), and prior
32 to such leaving had informed his employer of such compelling per-
33 sonal reasons, and immediately after such compelling personal rea-
34 sons ceased to exist he returned to his employer and offered his serv-
35 ices and his regular or comparable work was not available, provided
36 he is otherwise eligible; except that during the time he is away from
37 his work because of the continuance of such compelling personal
38 reasons, he shall not be eligible for benefits.

39 g. He has been laid off from his most recent employing unit and
40 he is the principal support of his family, or is a widow, widower,
41 legally separated from his spouse, or a single person, and previous
42 to this layoff he left work voluntarily, such voluntary leaving shall
43 not be disqualifying if it occurred any time before ninety (90) days
44 previous to the date he files a claim for benefits. The premature
45 filing of a claim for benefits shall not be disqualifying after said
46 ninety (90) day period.

47 h. 'Principal support' shall mean exclusive of the earnings of any
48 child of the wage earner."

49 4. Strike subsection two (2) and substitute in lieu thereof the
50 following:

51 "2. Discharge for misconduct. If the commission shall find that
52 he has been discharged for misconduct in connection with his em-
53 ployment, he shall forfeit four (4) to nine (9) weeks' benefits."

54 5. Strike subsection five (5) and substitute in lieu thereof the
55 following:

56 "5. Other compensation. For any week with respect to which he
57 is receiving, has received, or is entitled to receive payment in the
58 form of:

59 a. Wages in lieu of notice;

60 b. Compensation for temporary disability under the workmen's
61 compensation law of any state or under a similar law of the United
62 States;

63 c. Old-age benefits under title II of the Social Security Act (42
64 USC, chapter seven (7)), as amended, or similar retirement pay-
65 ments under any Act of Congress; provided that the commission
66 shall withhold payments under this chapter if it has reason to be-
67 lieve a claimant is entitled to benefits under title II of the Social
68 Security Act of the United States or any similar payments under
69 any other Act of Congress, until such time as the claimant files with
70 the commission satisfactory evidence that he is not entitled to such
71 benefits.

72 d. Benefits paid as retirement pay or as private pension.

73 Provided, that if such remuneration is less than the benefits
74 which would otherwise be due under this chapter, he shall be en-

75 titled to receive for such week, if otherwise eligible, benefits reduced
76 by the amount of such remuneration. Provided, further, if benefits
77 were paid for any week under this chapter for a period when bene-
78 fits, remuneration or compensation under paragraphs 'a', 'b', 'c', or
79 'd', of this subsection were paid on a retroactive basis for the same
80 period, or any part thereof, the commission shall recover any such
81 excess amount of benefits paid by the commission for such period,
82 and no employer's account shall be charged with benefits so paid,
83 provided further, however, that retirement pay or compensation for
84 service-connected disabilities or pensions based on military service,
85 by the beneficiary, with the armed forces of the United States, irre-
86 spective of the amount of the benefit, shall in no way disqualify any
87 individual, otherwise qualified, from any of the benefits contemplated
88 herein."

89 6. Add the following subsection:

90 "7. Vacation pay.

91 a. When an employer makes a payment or becomes obligated to
92 make a payment to an individual for vacation pay, or for vacation
93 pay allowance, or as pay in lieu of vacation, such payment or amount
94 shall be deemed 'wages' as defined in subsection thirteen (13) of
95 section ninety-six point nineteen (96.19), and shall be applied as
96 provided in paragraph 'c' hereof.

97 b. Whenever, in connection with any separation or layoff of an
98 individual, his employer makes a payment or payments to him, or
99 becomes obligated to make such payment to him as, or in the nature
100 of, vacation pay, or vacation pay allowance, or as pay in lieu of vaca-
101 tion, and within seven (7) calendar days after notification of the
102 filing of his claim, designates by notice in writing to the commission
103 the period to which such payment shall be allocated; provided, that
104 if such designated period is extended by the employer, he may again
105 similarly designate an extended period, by giving notice thereof in
106 writing to the commission not later than the beginning of the ex-
107 tension of such period, with the same effect as if such period of
108 extension were included in the original designation. The amount
109 of any such payment or obligation to make payment, shall be deemed
110 'wages' as defined in subsection thirteen (13) section ninety-six
111 point nineteen (96.19), and shall be applied as provided in paragraph
112 'c' of this subsection seven (7).

113 c. Of the wages described in paragraph 'a' (whether or not the
114 employer has designated the period therein described), or of the
115 wages described in paragraph 'b', if the period therein described has
116 been designated by the employer as therein provided, a sum equal
117 to the wages of such individual for a normal work day shall be
118 attributed to, or deemed to be payable to him with respect to, the
119 first and each subsequent work day in such period until such amount
120 so paid or owing is exhausted. Any individual receiving or entitled
121 to receive wages as provided herein shall be ineligible for benefits
122 for any week in which the sums, so designated or attributed to such
123 normal work days, equal or exceed his weekly benefit amount. If
124 the amount so designated or attributed as wages is less than the
125 weekly benefit amount of such individual, his benefits shall be re-
126 duced by such amount."

Approved June 2, 1959.