

CHAPTER 1030**CHANGES IN STATE UNEMPLOYMENT COMPENSATION LAW
REQUESTED BY THE FEDERAL DEPARTMENT OF LABOR***H.F. 2347*

AN ACT relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

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

Section 1. Section 96.3, Code 1981, is amended by adding the following new subsection:
NEW SUBSECTION. CHILD SUPPORT INTERCEPT.

a. An individual filing a claim for benefits under section 96.6, subsection 1 shall, at the time of filing, disclose whether the individual owes a child support obligation which is being enforced by the child support recovery unit established in section 252B.2. If an individual discloses that such a child support obligation is owed and the individual is determined to be eligible for benefits under this chapter, the department shall notify the child support recovery unit of the individual's disclosure and deduct and withhold from benefits payable to the individual the amount specified by the individual.

b. However, if the child support recovery unit and an individual owing a child support obligation reach an agreement to have specified amounts deducted and withheld from the individual's benefits and the child support recovery unit submits a copy of the agreement to the department, the department shall deduct and withhold the specified amounts.

c. However, if the department is garnished by the child support recovery unit under chapter 642 and an individual's benefits are condemned to the satisfaction of the child support obligation being enforced by the child support recovery unit, the department shall deduct and withhold from the individual's benefits that amount required through legal process.

Notwithstanding section 642.2, subsections 2, 3, 5, and 6 which restrict garnishments under chapter 642 to wages of public employees, the department may be garnished under chapter 642 by the child support recovery unit established in section 252B.2, pursuant to a judgment for child support against an individual eligible for benefits under this chapter.

Notwithstanding section 96.15, benefits under this chapter are not exempt from garnishment, attachment, or execution if garnished by the child support recovery unit, established in section 252B.2, to satisfy the child support obligation of an individual who is eligible for benefits under this chapter.

d. An amount deducted and withheld under paragraph a, b, or c shall be paid by the department to the child support recovery unit, and shall be treated as if it were paid to the individual as benefits under this chapter and as if it were paid by the individual to the child support recovery unit in satisfaction of the individual's child support obligations.

e. If an agreement for reimbursement has been made, the department shall be reimbursed by the child support recovery unit for the administrative costs incurred by the department under this section which are attributable to the enforcement of child support obligations by the child support recovery unit.

Sec. 2. Section 96.4, subsection 6, Code 1981, is amended to read as follows:

6. a. ~~Notwithstanding any other provisions in this subsection, no~~ An otherwise eligible individual shall not be denied benefits for any week because he or she the individual is in training with the approval of the director, nor shall such the individual be denied benefits with respect to any week in which he or she the individual is in training with the approval of the director by reason of the application of the provision in subsection 3 of this section relating to availability for work, and an active search for work or the provision of section 96.5, subsection 3, relating to failure to apply for or a refusal to accept suitable work. However, no an employer's account shall not be charged with benefits so paid.

b. An otherwise eligible individual shall not be denied benefits for a week because the individual is in training approved under 19 U.S.C. sec. 2296(a), as amended by section 2506 of the federal Omnibus Budget Reconciliation Act of 1981, because the individual leaves work which is not suitable employment to enter the approved training, or because of the application of subsection 3 or section 96.5, subsection 3, or a federal unemployment insurance law administered by the department relating to availability for work, active search for work, or refusal to accept work.

For purposes of this paragraph, "suitable employment" means work of a substantially equal or higher skill level than an individual's past adversely affected employment, as defined in 19 U.S.C. sec. 2319(l), if wages for the work are not less than eighty percent of the individual's weekly benefit amount.

Sec. 3. Section 96.19, subsection 25, Code 1981, is amended to read as follows:

25. "Extended benefit period" means a period which:

a. Begins begins with the third week after ~~whichever of the following weeks occurs first:~~

(1) ~~A week for which there is a national "on" indicator, or~~

(2) ~~A a week for which there is a state "on" indicator, and~~

b. Ends ends with either of the following weeks, whichever occurs later:

(1) a. ~~The third week after the first week for which there is both a national "off" indicator and a state "off" indicator, or.~~

(2) b. ~~The thirteenth consecutive week of such period.~~

Provided that no However, an extended benefit period may shall not begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state, and.

Provided further that no extended benefit period may become effective in this state prior to January 1, 1972.

Sec. 4. Section 96.19, subsections 26 and 27, Code 1981, are amended by striking the subsections. The Code editor shall hold the subsections in reserve and shall not renumber the subsections of section 96.19.

Sec. 5. Section 96.19, subsection 28, Code 1981, is amended to read as follows:

28. There is a state "on" indicator for a week if the rate of insured unemployment under the state law for the period consisting of ~~such the~~ week and the immediately preceding twelve weeks equaled or exceeded ~~four~~ five percent and equaled or exceeded one hundred twenty percent of the average of the rates for the corresponding thirteen-week period ending in each of the two preceding calendar years.

Sec. 6. Section 96.19, subsection 29, Code 1981, is amended to read as follows:

29. There is a state "off" indicator for a week if, for the period consisting of the week and the immediately preceding twelve weeks, the rate of insured unemployment under the state law was less than ~~four~~ five percent, or less than one hundred twenty percent of the average of the rates for thirteen weeks ending in each of the two preceding calendar years, except that, notwithstanding any such provision of this subsection, any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

Sec. 7. Section 96.19, subsection 30, Code 1981, is amended to read as follows:

30. "Rate of insured unemployment", for purposes of determining state "on" indicator and state "off" indicator, means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in Iowa for weeks of unemployment with respect to the most recent thirteen consecutive week period, as determined by the department on the basis of its reports to the United States secretary of labor, by the average monthly insured employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

Sec. 8. Section 96.29, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 19, sections 10 and 11, is amended to read as follows:

96.29 EXTENDED BENEFITS. Except when the result would be inconsistent with the other provisions of this chapter, as provided in ~~regulations~~ rules of the department, the provisions of the law which apply to claims for or the payment of regular benefits shall apply to claims for, and the payment of, extended benefits.

1. ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS. An individual ~~shall be is~~ eligible to receive extended benefits with respect to ~~any~~ a week of unemployment in his or her ~~the~~ individual's eligibility period only if the department finds that ~~with respect to such week all of the following conditions are met:~~

a. ~~He or she~~ The individual is an "exhaustee" as defined in this chapter.

b. ~~He or she~~ The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

c. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-half times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest.

2. DISQUALIFICATION FOR EXTENDED BENEFITS. The disqualification provisions of this chapter applicable to regular benefits are applicable to extended benefits, except If an individual claiming extended benefits furnishes satisfactory evidence to the department that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good, section 96.5, subsection 3 applies. If the department determines that an individual is claiming extended benefits and the individual's prospects for obtaining work in the individual's customary occupation are poor, the following paragraphs apply:

a. An individual shall be disqualified for extended benefits if the individual fails to apply for or refuses to accept an offer of suitable work to which the individual was referred by the department or the individual fails to actively seek work, unless the individual has been employed during at least four weeks, which need not be consecutive, subsequent to the disqualification and has earned at least four times the individual's weekly extended benefit amount. In order to be considered suitable work under this subsection, the gross weekly wage for the suitable work shall be in excess of the individual's weekly extended benefit amount plus any weekly supplemental unemployment compensation benefits which the individual is receiving.

b. An individual shall not be disqualified for extended benefits for failing to apply for or refusing to accept an offer of suitable work, unless the suitable work was offered to the individual in writing or was listed with the department.

2 3. WEEKLY EXTENDED BENEFIT AMOUNT. The weekly extended benefit amount payable to an individual for a week of total unemployment in his or her ~~the~~ individual's eligibility period ~~shall be is~~ an amount equal to the weekly benefit amount payable to ~~him or her~~ the individual during his or her the individual's applicable benefit year.

3 4. **TOTAL EXTENDED BENEFIT AMOUNT.** The total extended benefit amount payable to any an eligible individual with respect to his or her the individual's applicable benefit year shall be is the least of the following amounts.

a. Fifty percent of the total amount of regular benefits which were payable to him or her the individual under this chapter in his or her the individual's applicable benefit year.

b. Thirteen times his or her the individual's weekly benefit amount which was payable to him or her the individual under this chapter for a week of total unemployment in the applicable benefit year.

However, an eligible individual shall receive a maximum of two additional weeks of extended benefits if the individual moves from this state, before or during an extended benefit period triggered by this state's "on" indicator, to another state in which an extended benefit period is not in effect. Except for the first two weeks of an interstate claim for extended benefits filed in any state under the interstate benefit payment plan and payable from an individual's extended benefit account, the individual is not eligible for extended benefits payable under the interstate claim if an extended benefit period is not in effect in that state.

4 5. **BEGINNING AND TERMINATION OF EXTENDED BENEFIT PERIOD.** Whenever If an extended benefit period is to become effective in Iowa, or in all states, as a result of a the state or a national "on" indicator, or an extended benefit period is to be terminated in Iowa as a result of the state and national "off" indicators indicator, the department shall make an appropriate public announcement. Computations required by the provisions of this subsection shall be made by the department in accordance with regulations prescribed by the United States secretary of labor.

6. Notwithstanding any other provisions of this section, if the benefit year of an individual ends within an eligibility period for extended benefits, the remaining extended benefits which the individual would, but for this section, be entitled to receive in that portion of the eligibility period which extends beyond the end of the individual's benefit year, shall be reduced, but not below zero, by the number of weeks for which the individual received federal trade readjustment allowances, under 19 U.S.C. sec. 2101 et seq., as amended by the Omnibus Budget Reconciliation Act of 1981, within the individual's benefit year multiplied by the individual's weekly extended benefit amount.

Sec. 9. Sections 5 and 6 of this Act and that portion of section 8 of this Act which will be codified as section 96.29, subsection 1, paragraph c take effect September 26, 1982 and apply to weeks beginning on and after that date.

Approved March 11, 1982