



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	HF 2355	House Committee:	
Committee:	Labor	House Floor:	
Floor Manager	Representative Stone	Senate Floor:	
Date:	March 22, 2022	Governor:	
Staff:	Kristin Rozeboom (1-3015)		

IWD/Unemployment

- Codifies that an employer shall not be responsible for unemployment overpayment if it was through no fault of their own.
- Makes changes to the Voluntary Shared Work Program to prevent a shared work plan from claiming a reduction of work hours based on a work week exceeding 40 hours, automatically revokes a shared work plan if the employer lays off the employee even if they are in a separate unit, and allows part-time employees to be covered.
- Reduces unemployment weeks from 26 to 16, and from 39 to 26 weeks for plant closures.
- Adds a definition of "misconduct."
- Reduces the percentage of unemployment benefits one receives each week a person refuses a job offer.

Section by Section Analysis

Section 1. Section 96.3(7)(b)(1)(a)

Adds language codifying that if the department determines that an employer's failure to respond timely or adequately was through no fault of the employer, the employer's account shall not be charged for the overpayment.

Section 2. Section 96.40(2)

This section amends the Voluntary Shared Work program. It adds a new paragraph that states the reduction in work hours for employees was not based on a work week exceeding 40 hours.

Section 3. Section 96.40

Adds that approval of a shared work plan shall be revoked if the employer lays off any employee, wither they are within the affected unit or not, while participating in the shared work unemployment compensation program.

Adds that a part-time employee shall be eligible for shared work unemployment compensation program benefits, provided that the employee meets all other requirements.

Amendment Analysis

H-8091 by Stone—Changes “through no fault of the employer” to “due to insufficient notification from the department.”

H-8255 by Boussetot—

Section 1. Section 96.2

Amends the guide for interpretation in the unemployment insurance section. States that this section is intended to encourage stabilization in employment. Also states that the state, through IWD, will maintain close coordination among all federal, state, and local agencies whose missions affect the employment or employability of the unemployed and underemployed.

Section 2. Section 96.3(5)(a)

This section reduces the benefit period from 26 weeks to 16 weeks. For plant closures it reduces the benefit period from 39 to 26 weeks.

Section 3. Section 96.4(8)--New Subsection

Implements an initial one-week waiting period during the individual’s benefit year. To satisfy the one-week waiting period, the individual must be otherwise eligible for benefits from this state, must not have received or have payable benefits from this state, must not have received or have payable benefits from this state, and must not be eligible for benefits from another state.

Section 4. Section 96.5(2)(d)—New Paragraph

Defines “misconduct” as a deliberate act or omission by an employee that constitutes a material breach of the duties and obligation arising out of the employee’s contract of employment. Limited to conduct evincing such willful or wanton disregard of an employer’s interest and found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer’s interests or of the employee’s duties and obligations to the employer.

Misconduct includes but is not limited to all of the following:

1. Falsification of the individual’s employment application.
2. Knowing violation of a reasonable and uniformly enforced rule of an employer.
3. Intentional damage of an employer’s property.
4. Dishonesty to an employer with regard to the individual’s employment.
5. Consumption of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance in a manner not directed by the manufacturer, or a combination of such substances, on the employer’s premises in violation of the employer’s employment policies.
6. Reporting to work under the influence of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance in an off-label manner, or a combination of such substances, on the employer’s premises in violation of the employer’s employment policies, unless the individual is compelled to work by the employer outside of scheduled or on-call working hours.
7. Conduct that endangers the personal safety of the individual, coworkers, or the general public.
8. Incarceration for an act for which one could reasonably expect to be incarcerated that results in missing work.
9. Incarceration as a result of a misdemeanor or felony conviction by a court of competent jurisdiction.
10. Excessive unexcused tardiness or absenteeism.

11. Falsification of any work-related report, task, or job that could expose the employer or coworkers to legal liability or sanction for violation of health or safety laws.
12. Failure to maintain any license, registration, or certification that is reasonably required by the employer or by law, or that is a functional requirement to perform the individual's regular job duties, unless the failure is not within the control of the individual.
13. Conduct that is libelous or slanderous toward an employer or an employee of the employer if such conduct is not protected under state or federal law.
14. Conduct creating or attempting to create dissention or animus against the employer or coworker if such conduct is not protected under state or federal law.
15. Theft of an employer or coworker's funds or property.
16. Misrepresentation of time worked or work carried out that results in the individual receiving unearned wages or unearned benefits.

Section 5. Section 96.5(2)(a)(1)(a)-(d)

Benefits are 100% if the work is offered during the first week of unemployment

Benefits are 90% if the work is offered during the second and third week of unemployment.

Benefits are 80% if the work is offered during the fourth and fifth week of unemployment.

Benefits are 70% if the work is offered during the sixth through eighth week of unemployment.

Section 6. Section 96.5(3)(a)(1)—New Subparagraph Division

Benefits are 60% if the work is offered after the eighth week of unemployment.

Section 7. Section 96.6(3)(b)

Amends to say that appeals from an ALJ decision may go to the employment appeal board OR directly to the district court.

H-XXXX by Boussetot—removes the one week waiting period and makes slight changes to the definition of misconduct.

- Adds "material falsification" of the individual's employment application.
- Strikes "dishonesty to an employer with regard to the individual's employment"
- Adds conduct that "substantially and unjustifiably" endangers the personal safety of coworkers or the general public.
- Adds "intentional" misrepresentation of time worked or work carried out that results in the individual receiving unearned wages or unearned benefits.

Possible Democrat amendments:

H-XXXX by Hunter—Strike after that that includes new legislative intent in the Unemployment section of code. States that true economic development can only be achieved when workers are given the respect they deserve. It must include all residents, including men and women, people of all gender identities, minorities, and immigrants. It should include being paid a living wage, welcoming to immigrants, child care and housing readily affordable and available, and public workers having collective bargaining rights.

H-XXXX by Hunter—Sets minimum wage at \$8.20 in July 2022, \$9.15 in July 2023, \$10.10 in January 2024, \$11.05 in July 2024, \$12.00 in January 2025, \$12.95 in July 2025, \$13.90 in January 2026, and \$15.00 in July 2026. Makes conforming changes throughout.

H-XXXX by Hunter—reworks collective bargaining. Also goes specifically into educator collective bargaining. Makes changes to teacher contracts, city civil service requirements, and health insurance matters.