

WORKFORCE DEVELOPMENT DEPARTMENT [871]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code Section 96.11, the Director of Workforce Development Department hereby gives Notice of Intended Action to amend Chapter 23, “Employer’s Contribution and Charges,” and Chapter 24, “Claims and Benefits,” and Chapter 25, “Benefit Payment Control,” Iowa Administrative Code.

These proposed amendments update, clarify and simplify the procedures by which claimants and employers interact with Iowa Workforce Development. The amendments also bring the rules up to date by reflecting changes in technology and efficiencies developed within the agency since the affected rules were adopted. The agency needs to have administrative rules that address these changes.

Any interested person may make written or oral suggestions or comments on the proposed amendments not less than 20 days after Notice of Publication, to David J. Steen, Attorney, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, IA 50319-0209. Comments may be sent electronically to: david.steen@iwd.iowa.gov.

Fiscal impact statement pursuant to Iowa Code Section 17A.4(4) – none.

Statement of waiver provisions pursuant to Iowa Code Section 17A.4(2) – not applicable.

Jobs Impact Statement, pursuant to Executive Order 71 (3/7/2011) – none.

These Amendments are intended to implement Iowa Code Chapter 96.

The following amendments/rules proposed.

ITEM 1. Amend rule 871—Chapter 23.69(96) introductory paragraph as follows:

871—23.69(96) Injunction for nonpayment or failure to ~~report~~ provide required information.

ITEM 2. Amend subrule 23.69(1) as follows:

23.69(1) In addition or as an alternative to any other remedy provided in Iowa Code chapter 96 and this rule, the department may proceed to enjoin an employer who has refused or failed to pay any contributions, interest, or penalty or who has failed to file ~~any reports~~ or provide any information required by the department.

ITEM 3. Amend paragraph 23.69(3) “b” as follows:

b. The period(s) for which there are delinquent contributions, interest, and penalty due or for which ~~returns have not been filed~~ required information has not been provided.

ITEM 4. Amend subrule 23.69(6) as follows:

23.69(6) Upon payment in full of the delinquent contributions, interest, and penalty, and the filing of all delinquent ~~reports~~ wage detail, the department shall have the injunction dissolved.

ITEM 5. Amend subrule 23.70(1) as follows:

23.70(1) Any nonprofit organization can be considered eligible to reimburse the Iowa unemployment compensation fund in lieu of paying contributions. Any nonprofit organization wishing to be considered as a reimbursable employer shall file as provided under Iowa Code section 96.7 the election to reimburse the fund ~~on Form 68-0463, Election to Make Payments in Lieu of Contributions,~~ with the department for its consideration.

ITEM 6. Amend subrule 23.70(2) as follows:

23.70(2) ~~Election to Make Payments in Lieu of Contributions, Form 68-0463, The election to reimburse~~ must be signed by an authorized official of the nonprofit organization and shall be accompanied by:

ITEM 7. Amend subrule 23.72(1) as follows:

23.72(1) Any governmental entity may elect to be a governmental contributory employer by filing a ~~written application known as “Election to Pay Contributions as a Government Contributory Employer,” Form 68-0053,~~ for elective coverage as a governmental contributory employer. The rules governing the selection of coverage status for governmental entities shall apply to Indian tribes. Any governmental entity failing to file such an election will be considered as a governmental reimbursable employer. The ~~Form 68-0053~~ application must be signed by a duly constituted governmental official. The election shall be approved if the department finds that:

ITEM 8. Rescind and reserve subparagraph 24.1(25) “b” “2”.

~~(20) —Transitional claim. A new claim dated as of any date in the seven day period immediately following a week benefits were claimed. Reserved.~~

ITEM 9. Rescind rule 871—Chapter 24.1(26) and adopt the following new rule in lieu thereof:

24.1(26) *Claimant.*

a. An individual who has filed a request for determination of insured status or a new claim, or,

b. An individual who has filed an initial claim unless the claim is found to be invalid or the benefit year has expired.

ITEM 10. Rescind and reserve subrule 24.1(121).

~~24.1(121) *Transient*. A claimant who is moving from place to place and who indicates to the agent state area claims office that such claimant will be only temporarily in the area served by the area office.~~ Reserved.

ITEM 11. Rescind and reserve subrule 24.1(127).

~~24.1(127) *Visiting claimant*. A claimant who files claims against such claimant's home state through some extension of that state's intrastate claims procedures.~~ Reserved.

ITEM 12. Rescind rule 871—Chapter 24.39(96) and adopt the following new rule in lieu thereof:

871—24.39(96) Department-approved training. The intent of department-approved training is to allow for claimants to return to the labor market after attending vocational training while being paid unemployment insurance benefits. Vocational training is non-academic, skill-oriented training that provides the student with job tools and skills that can be used in the workplace. Vocational training includes technical, skill-based, or job readiness training intended to pursue a career. Upon an approval from the department, the claimant shall be except from the work search requirement for continued eligibility for benefits. In order to be eligible for department-approved training programs and to maintain continuing participation therein, the individual shall meet the following requirements:

24.39(1) The Claimant must make application to the department setting out the following:

a. The educational establishment at which the claimant would receive training.

- b. The estimated time required for such training.
- c. The date the training will be complete or degree will be obtained.
- d. The occupation which the training is allowing the claimant to maintain or pursue.
- e. The training plan, indicating the requirements which must be met in order to complete the certification or degree.

ITEM 13. Amend subrule 24.39(2) as follows:

24.39(2) A claimant may receive unemployment insurance while attending a training course approved by the department- under the following conditions:

- a. The educational establishment must be a college, university or technical training institution.
- b. The training must be completed 104 weeks or less from the start date.
- c. The individual must be enrolled and attending the training program as a full-time student.

While attending the approved training course, the claimant need not be available for work or actively seeking work. After completion of department-approved training the claimant must, in order to continue to be eligible for unemployment insurance, place no restriction on employability. The claimant must be able to work, available for work and be actively searching for work. In addition, the claimant may be subject to disqualification for any refusal of work without good cause after the claimant has completed the training.

ITEM 14. Amend rule 24.39(3) as follows:

24.39(3) The claimant must show satisfactory attendance and progress in the training course prior to being considered for a subsequent approval, and must demonstrate that such

claimant has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds.

ITEM 15. Amend subrule 24.40(3) as follows:

24.40(3) The course or courses must be full-time enrollment for a high-demand or high-technology occupation. The department will make available to serve as a guide a list of high-demand, high-technology, and declining occupations. The lists shall be available on the department's Web site and workforce centers.

ITEM 16. Amend subrule 24.40(4) as follows:

~~24.40(4) The individual must be enrolled in the training no later than the end of the benefit year which included the separation which made the individual eligible for training benefits or the week in which any federal benefit program based upon that benefit year is exhausted. Enrolled before the end of the benefit year means the individual has taken all steps available for entry into the training and has secured a reserved position in the training class. The individual has paid tuition or will pay tuition when the training starts. The training class may begin after the end of the benefit year. The application for training benefits must be received 30 days after the end of the benefit year or within 30 days after state or federal benefits are exhausted. The individual must be enrolled and making satisfactory progress to complete the training program in order to continue to be eligible for training extension benefits.~~

ITEM 17. Amend subrule 24.40(5) as follows:

24.40(5) Training benefits shall cease to be available if the training is completed; the individual quits the training course; the individual exhausts the training extension maximum

benefit amount; or the individual fails to make satisfactory progress; and benefits shall cease no later than ~~one calendar year following~~ the end of the benefit year in which the individual became eligible for the benefits. Individuals must file and receive benefits under any federal or state unemployment insurance benefit program until the ~~claim has expired or has~~ benefits have been exhausted, in order to maintain eligibility for training extension benefits.