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SENATE FILE 2223

BY ANGELO and LUNDBY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing unemployment compensation benefits to  
2 individuals who quit employment due to domestic abuse.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

BUSINESS & LABOR

SF 2223

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1 Section 1. Section 96.5, subsection 1, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. k. The individual left employment due to  
4 domestic abuse, as defined in section 236.2, perpetrated  
5 against the individual, and the individual reasonably believed  
6 such act was necessary to protect the safety of the  
7 individual. Benefits related to wage credits earned with the  
8 employer that the individual has left shall be charged to the  
9 unemployment compensation fund. This paragraph applies to  
10 both contributory and reimbursable employers, notwithstanding  
11 section 96.8, subsection 5.

12 All evidence of domestic abuse experienced by an  
13 individual, including the individual's statement and any  
14 corroborating evidence, shall not be disclosed by the  
15 department, except to the parties in a benefits contested case  
16 proceeding, unless consent for disclosure is granted in  
17 writing by the individual. Evidence of domestic abuse may  
18 include but is not limited to any of the following:

19 (1) A statement or report from a law enforcement agency,  
20 medical professional, mental health professional, or domestic  
21 violence shelter.

22 (2) Witness statements regarding the incidents that cause  
23 the person to believe the person's life or safety or the life  
24 or safety of a member of the person's household is in danger.

25 Sec. 2. Section 96.6, subsection 2, Code 2005, is amended  
26 to read as follows:

27 2. INITIAL DETERMINATION. A representative designated by  
28 the director shall promptly notify all interested parties to  
29 the claim of its filing, and the parties have ten days from  
30 the date of mailing the notice of the filing of the claim by  
31 ordinary mail to the last known address to protest payment of  
32 benefits to the claimant. The representative shall promptly  
33 examine the claim and any protest, take the initiative to  
34 ascertain relevant information concerning the claim, and, on  
35 the basis of the facts found by the representative, shall

1 determine whether or not the claim is valid, the week with  
2 respect to which benefits shall commence, the weekly benefit  
3 amount payable and its maximum duration, and whether any  
4 disqualification shall be imposed. The claimant has the  
5 burden of proving that the claimant meets the basic  
6 eligibility conditions of section 96.4. The employer has the  
7 burden of proving that the claimant is disqualified for  
8 benefits pursuant to section 96.5, except as provided by this  
9 subsection. The claimant has the initial burden to produce  
10 evidence showing that the claimant is not disqualified for  
11 benefits in cases involving section 96.5, subsection 10, and  
12 has the burden of proving that a voluntary quit pursuant to  
13 section 96.5, subsection 1, was for good cause attributable to  
14 the employer and that the claimant is not disqualified for  
15 benefits in cases involving section 96.5, subsection 1,  
16 paragraphs "a" through "h" and "k". Unless the claimant or  
17 other interested party, after notification or within ten  
18 calendar days after notification was mailed to the claimant's  
19 last known address, files an appeal from the decision, the  
20 decision is final and benefits shall be paid or denied in  
21 accordance with the decision. If an administrative law judge  
22 affirms a decision of the representative, or the appeal board  
23 affirms a decision of the administrative law judge allowing  
24 benefits, the benefits shall be paid regardless of any appeal  
25 which is thereafter taken, but if the decision is finally  
26 reversed, no employer's account shall be charged with benefits  
27 so paid and this relief from charges shall apply to both  
28 contributory and reimbursable employers, notwithstanding  
29 section 96.8, subsection 5.

30 EXPLANATION

31 This bill provides that a person who quits employment due  
32 to domestic abuse can receive unemployment compensation  
33 benefits. The bill requires that the person establish that  
34 the person reasonably believed quitting was necessary to  
35 protect the person's safety. The bill provides that the

1 unemployment compensation fund, and not the employer, will be  
2 charged for unemployment benefits paid due to domestic abuse.  
3 The bill also provides that the department of workforce  
4 development shall not release evidence presented by the  
5 individual to support benefits under this provision, except to  
6 the parties in a contested case proceeding, unless the  
7 individual consents in writing. The bill provides that  
8 evidence of domestic abuse presented to the department which  
9 shall not be released includes statements or reports from a  
10 law enforcement agency, medical or mental health professional,  
11 or domestic violence shelter, and other witness statements.

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