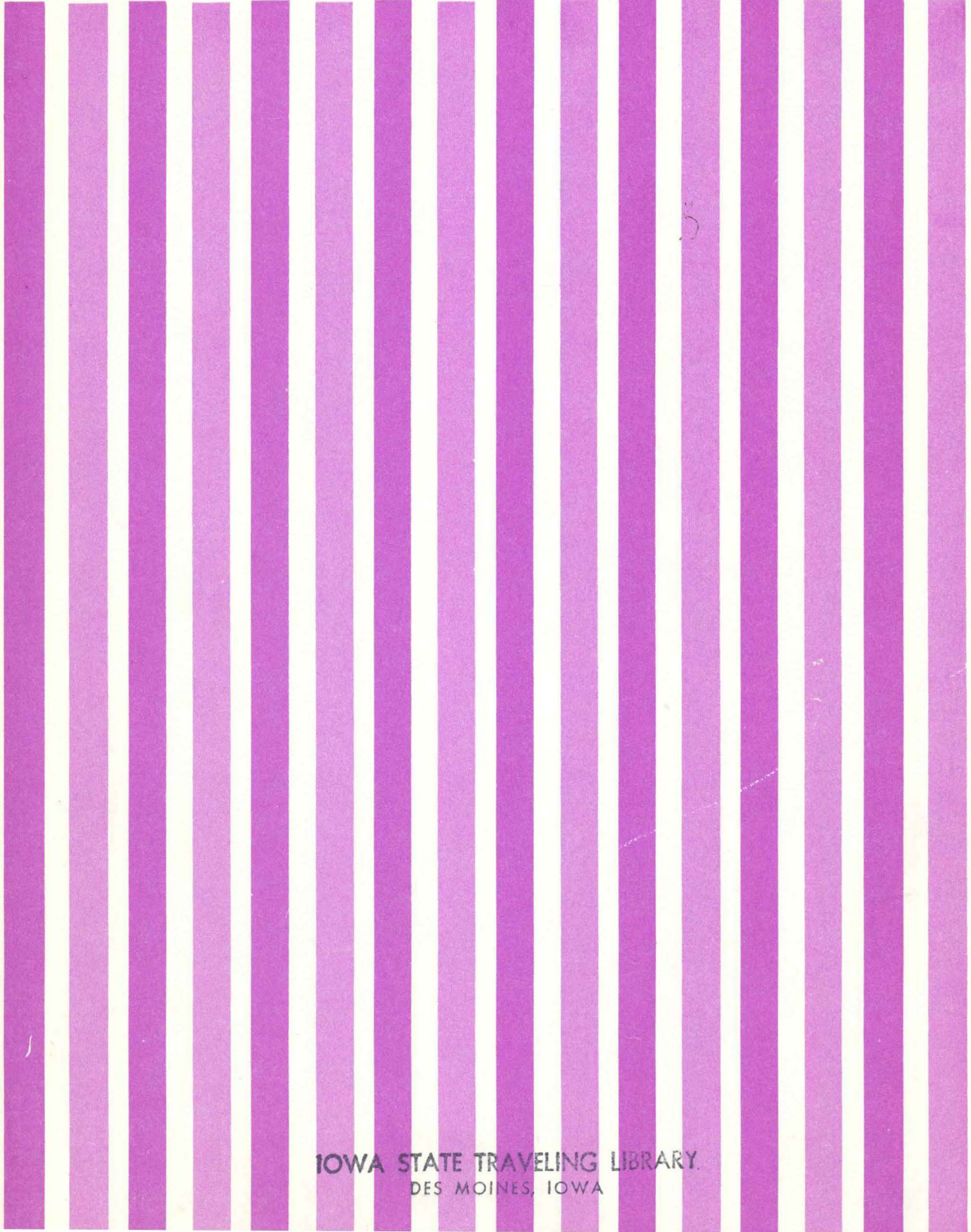


EMPLOYER'S ¹⁹⁶⁹ HANDBOOK

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Preface

The efficient administration of the Iowa unemployment insurance program depends to a large extent on the cooperation between employers and the Iowa Employment Security Commission. This handbook has been prepared to assist you in fulfilling your responsibilities and in protecting your rights as an employer under the Iowa Employment Security Law.

To administer the program properly, the agency must depend on information from employers periodically and on notification and request.

By reading this handbook and referring to it when questions arise, you may save yourself time, effort and money. As an employer, it is your responsibility to know the qualifying requirements for payment of unemployment tax. Once an account has been established, it is your responsibility to see that your quarterly tax report is filed and the tax paid on time. Failure to do so will result in costly interest and penalties (see Interest and Penalty, page 21). Once the eligibility requirements have been met (see Computation of Tax Rate Based on Experience, page 25) your tax rate will be based on your employment experience. By making a voluntary contribution before January 1, you may preserve or reduce this tax rate for the following year (see Voluntary Contributions, page 26). By exercising your right to protest the payment of unemployment insurance benefits to a former employee whom you feel is ineligible, you may be able to conserve your experience rate (see page 29).

Replacement pages will be sent to you when revisions are made in the law or in the procedures established by the Commission. Since the handbook is a simplified version of the law and the regulations, it should only be used for general information and should not be construed as having the force or effect of law. Specific questions or questions not answered by this handbook should be referred to the administrative office of the Commission.

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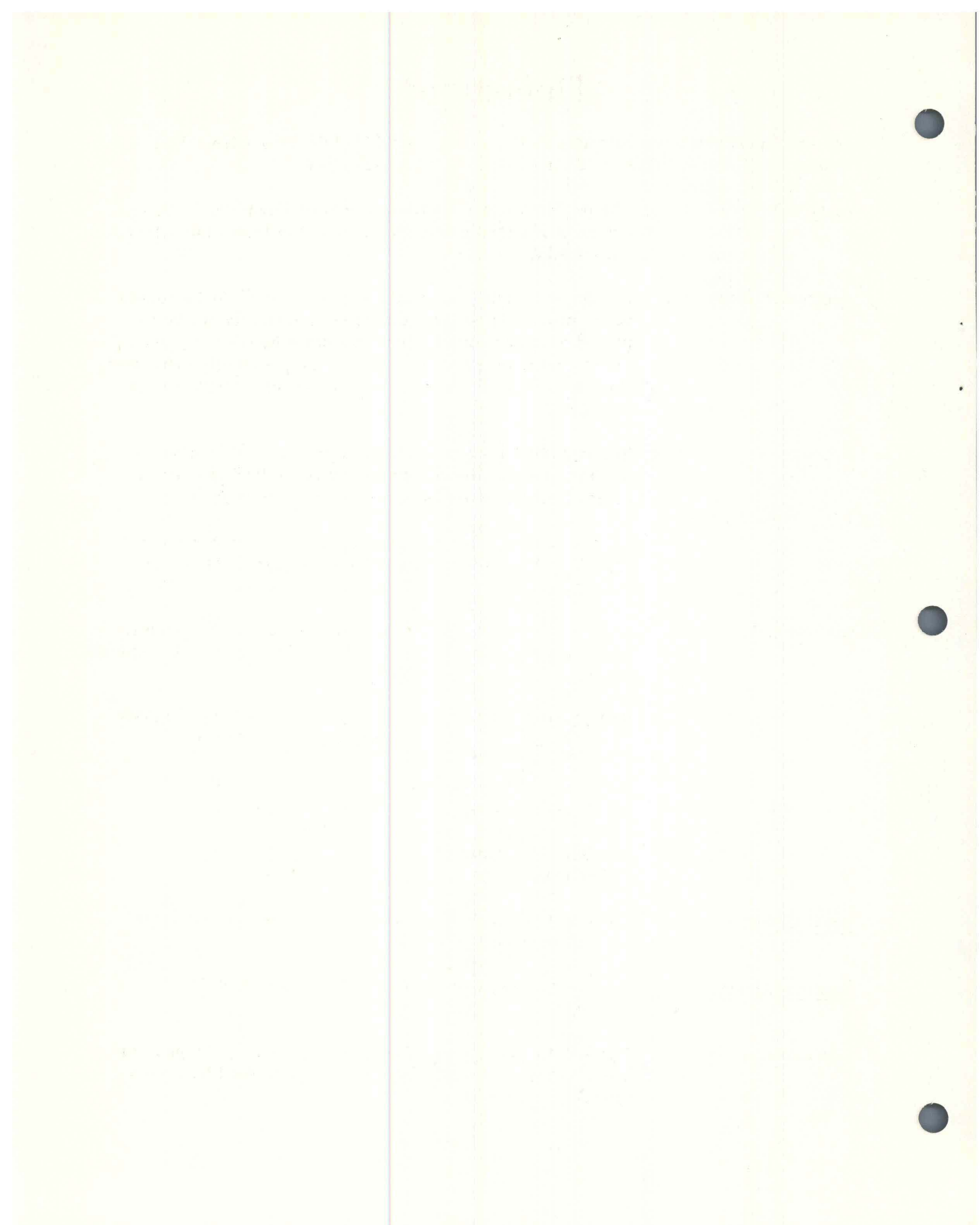
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Definitions

Certain terms are commonly used in discussing unemployment insurance. This listing is a simplified explanation of what some of these terms mean.

Acquirer

The purchaser of all or part of the organization, trade or business of an employer liable under the Iowa Employment Security Law.

Additional Claim

A request filed by a claimant who has established a benefit year, which has not expired, to reopen his claim after a period of intervening employment since he filed his last claim, provided that benefits were not previously exhausted. One or more additional claims may be filed during a benefit year.

Appeal

The right of interested parties to protest a determination on the basis that the determination is not legally correct or has been based on incorrect or incomplete facts.

All appeals must be in writing, must state the reasons for appealing by specifying the errors, omissions of law or facts and must be filed within the specified time.

Base Period

The first four of the last five completed calendar quarters preceding the quarter in which the claim is filed. Examples follow:

<u>EFFECTIVE DATE OF CLAIM</u>	<u>BASE PERIOD IS THE 12 MONTHS ENDING THE PREVIOUS</u>
January, February or March	September 30
April, May or June	December 31
July, August or September	March 31
October, November or December	June 30

Benefit Year

The one-year period following the filing of a valid claim for unemployment insurance.

Calendar Quarter

A three-month period ending on March 31, June 30, September 30 or December 31.

Chargebacks

Charges to an employer's account for tax rate computation which represent benefit payments made to his former employees.

<u>Continued Claims</u>	Weekly certifications for benefits during the benefit year.
<u>Computation Date</u>	The date established by law for the computation of experience rates.
<u>Covered Employment</u>	Work performed for an employer who is subject to the Iowa Employment Security Law and who pays unemployment insurance taxes.
<u>Determination</u>	A decision on a request for insured status, a claim for benefits, or any unemployment insurance issue.
<u>Determination Date</u>	The date an employing unit is determined to be a liable employer.
<u>Effective Date (Benefits)</u>	The date the benefit year begins. Claims for total unemployment insurance always begin on a Sunday -- usually it is the Sunday of the week in which the claim is actually filed. Claims for partial unemployment insurance are effective on the first day of the first low-earnings week so as to conform with the employer's workweek. This may be any day of the week and is done to facilitate the reporting and proper deducting of wages.
<u>Effective Date (Employer)</u>	The effective date an employer must begin reporting wages and paying unemployment tax on same.
<u>Experience Rating</u>	The system by which an employer's tax rate is adjusted according to his employment experience.
<u>Initial or New Claim</u>	An application by an unemployed wage earner for a determination of eligibility for unemployment insurance and computation of weekly and maximum benefit amounts.
<u>Lag Period</u>	The calendar quarter in which a claim is filed and the calendar quarter immediately before.
<u>Part-Time Worker</u>	A person who normally works in an occupation where his services are not required for the customary full-time hours or who because of personal circumstances does not work the customary full-time hours.
<u>Predecessor Employer</u>	An employer who has sold or otherwise transferred his business to another.

<u>Separating Employer</u>	The employer at the time the worker is laid off, discharged or quits. May or may not be base period employer depending on the period of time the worker has been employed by him.
<u>Successor Employer</u>	An employer who has purchased or otherwise acquired the business of another.
<u>Total Payroll</u>	Total wages paid by an employer to all employees for insured work.
<u>Taxable Wages</u>	The first \$3,000 (before deductions) an employer pays each employee during a calendar year. Includes payment for personal services including cash value of all remuneration paid in any medium other than cash, such as meals and lodging.
<u>Transfer of Experience</u>	The transfer of an employer's record with the Iowa Employment Security to a successor employer.
<u>Valid Claim</u>	An application for benefits that meets all the eligibility conditions specified by the law and establishes a benefit year.
<u>Voluntary Contribution</u>	An optional additional payment that may be made by an eligible employer to increase the balance of his merit rating account in order to receive a lower rate.
<u>Voluntary Election</u>	An employer or business excluded from the unemployment insurance program by law may voluntarily elect to participate in the program. Voluntary election may be made to cover work which would otherwise be excluded from the definition of employment or to cover firms with less than four employees.
<u>Wages</u>	All payments for personal services whether in cash or other medium.
<u>Wage Credits</u>	One-third of claimants insured wages within the base period.

Waiting Period

A waiting period must be served before benefits can be paid, and this requirement is satisfied by having the claimant serve one week of total unemployment or two weeks of partial unemployment after filing his initial claim. If, during his waiting period, the claimant earns more than \$6 but less than his weekly benefit amount plus \$6, he will be required to serve an additional week of waiting period. These weeks need not be consecutive and may be served at any time during the benefit year.

The waiting period, while a prerequisite to the payment of benefits, becomes compensable after benefits are payable for five consecutive weeks in the same benefit year.

1. Responsibility of All Employing Units

What Is an Employing Unit?

Under the Iowa Employment Security Law, an employing unit is any individual or type of organization that has or had in its employ one or more individuals performing service within Iowa. An employing unit includes any partnership, association, trust, estate, joint stock company, insurance company or corporation, receiver, trustee in bankruptcy or legal representative of a deceased person.

Required Records

Some employing units are required to carry unemployment insurance and some are not. However, all employing units must keep accurate payroll records on each worker. These records must be kept for five years. They must be open for inspection by Commission representatives and may be copied by them. When necessary, the Commission may require an employing unit to make sworn or unsworn reports about its employees.

Information obtained from the employing unit is confidential and is not published or open for public inspection. However, a claimant at an Appeal Tribunal or a Commission hearing is supplied with information from these records when it is necessary for the proper presentation of his case. The appeal decision and the record of the appeal become a matter of public record.

Status Information

Upon request, an employing unit must file a Status Information Form, IESC 111. This form is used to determine whether an employing unit is required to participate in the unemployment insurance program. The employing unit is asked to give its name, trade name, address, type of business, nature of business, products manufactured or traded and the number of its employees.

Regardless of the number of persons it employs, a new employing unit should file a Status Report when it first goes into business. By filing this report, the employing unit is advised of its status before interest and penalties accrue.

An employing unit that acquires the enterprise or business of another employing unit not subject to payment of unemployment tax should request and file a Status Report as soon as possible after the effective date of the acquisition.

An employing unit that acquires the enterprise or business of an employer which is subject to payment of unemployment tax, must file a Status Report as soon as it acquires the business.

Out-of-state employing units should file a Status Report as soon as they have employment in Iowa.

Status Report forms (IESC 111) may be secured from the Commission administrative office in Des Moines or from any field representative.

2. Who Is An Employer?

Liability Provisions

An employer is an employing unit that is required to report wages and pay unemployment insurance tax to the Iowa Employment Security Commission. Any one of the following requirements results in your employing unit becoming an employer:

1. Four or More Employees

An employing unit becomes an employer when it has four or more persons employed on 20 different days and each day is in a different week of the calendar year. Casual labor and part-time employees are counted the same as regular employees regardless of the time they worked each day.

2. Acquisition of Business

An employing unit becomes an employer when it acquires the organization, trade or business, or substantially all the assets of another employing unit that is an employer at the time of acquisition.

3. Acquisition of an Employing Unit

An employing unit becomes an employer when it acquires the organization, trade, or business or substantially all the assets of another employing unit and the total number of employees of both units meets the four or more employees requirement.

EXAMPLE: During the first portion of the calendar year Company X had four employees on 10 different days of 10 different weeks. Company Y purchased the business of Company X and had four or more employees on 10 different days of 10 different weeks in the same calendar year. Since the two companies, when treated as a single employing unit, had four or more employees on 20 different days of 20 different weeks in the calendar year, Company Y became an employer subject to reporting wages and paying unemployment tax regardless of the fact that it had four or more employees on only 10 different days of 10 different weeks of that calendar year.

4. Affiliation

An employing unit becomes an employer when it, along with one or more other employing units is owned or controlled by the same interests and the number of employees of all these units meet the four or more requirements.

EXAMPLE: Company A and Company B are owned or controlled by the same interests. Company A has two employees and Company B has two employees. When the employing units are counted together and it is found that four or more employees have worked on 20 different days in 20 different weeks of the calendar year, both Company A and Company B are employers under the Iowa Employment Security Law.

5. Sub-Contract Employment

When an employing unit contracts with or has any contractor or sub-contractor under it for any part of its usual trade, profession or business, the employees of each contractor or sub-contractor are counted with the employing unit's employees to determine whether or not the four or more requirement is met.

EXAMPLE: Company X constructs residential homes and has three employees. The company lets contracts for excavating, masonry work, carpenter work, roofing and painting. Company X must participate in the unemployment insurance program if its employees and the employees of these contractors total four or more on 20 different days of 20 different weeks in a calendar year.

6. Employer Under Federal Law

When an employing unit becomes an employer under the provisions of Sub-Chapter C of the Federal Unemployment Tax Act, it becomes an employer under the Iowa Employment Security Law regardless of the number of employees who perform service in Iowa.

An employer under the Federal Unemployment Tax Act is any employing unit with four or more employees on 20 different days of any 20 different weeks in a calendar year working anywhere in the United States.

EXAMPLE: Company X has one employee in four different states. Even though only one employee performs service in Iowa, Company X is an employer under the Iowa law because it is an employer under the federal law.

7. Continuing Liability

An employing unit that becomes an employer under any of these requirements retains this status regardless of the number of employees until the requirements for termination of coverage has been met.

SEE: Termination of Coverage, page 17.

8. Voluntary Election to Become an Employer

An employing unit that is not required to participate in the unemployment insurance program may voluntarily elect to become an employer. After Commission approval, the employing unit becomes an employer to the same extent as any other employer for a period of not less than two calendar years.

To terminate a voluntary election, the employer must make a written application before February 15 after his two calendar years of coverage.

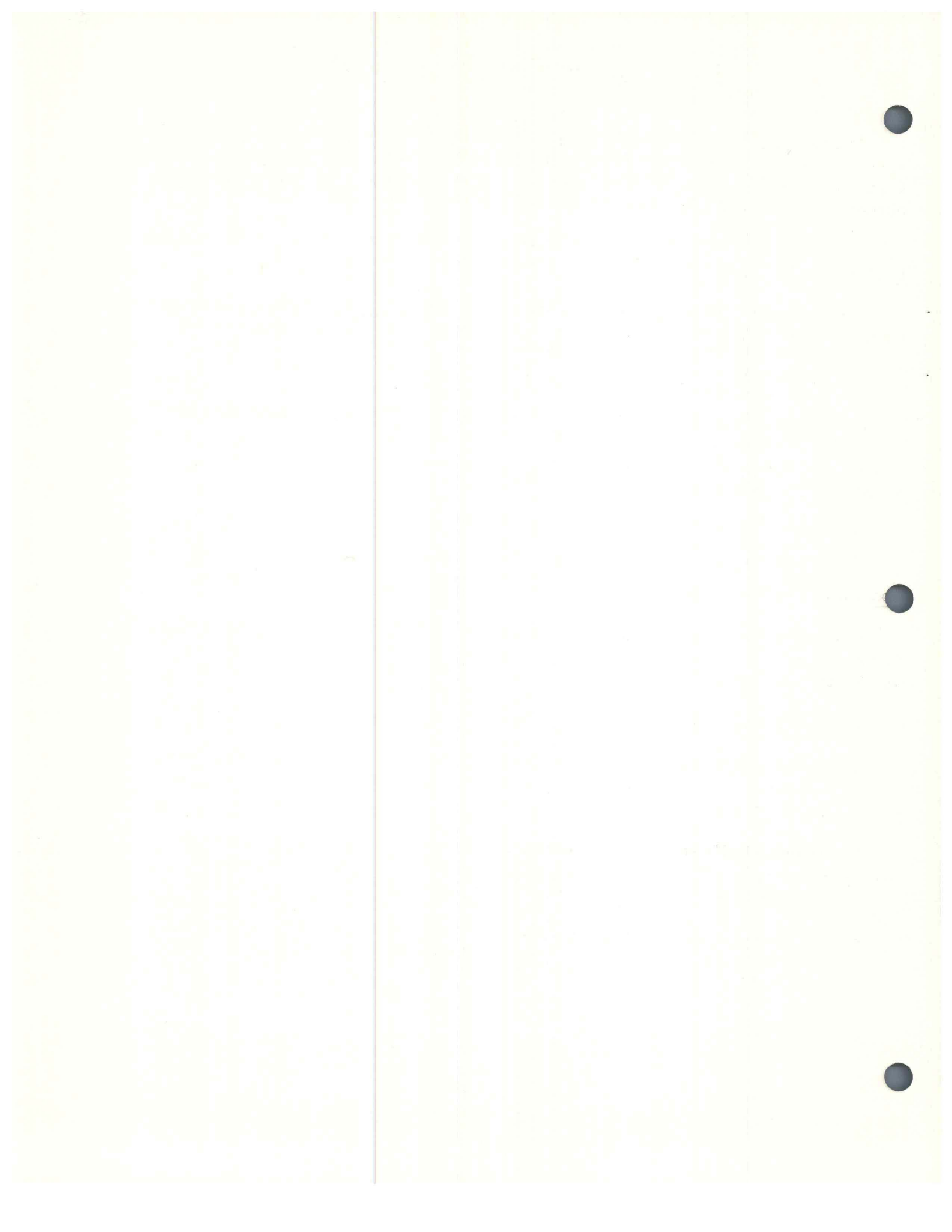
Certain services performed by workers are excluded from the definition of employment under the Iowa Employment Security Law. These services may or may not be excluded under the provisions of the Federal Unemployment Tax Act.

Since the provisions of the Federal Unemployment Tax Act allows credit for tax paid into a state unemployment insurance trust fund, an employer may find it desirable to cover excluded services under the state program.

SEE: Student Help, page 14.

Voluntary Election to Cover Excluded Services, page 14.

REFERENCE: Iowa Code, Section 96.19-6a
96.19-6b
96.19-6c
96.19-6d
96.19-6e
96.19-6f
96.19-6g



3. What Is Employment?

An employing unit becomes an employer under the Iowa Employment Security Law when it has four or more persons in employment on 20 different days in 20 different weeks of a calendar year. The Iowa Employment Security Law specifically defines employment and excluded employment.

Definition of Employment

Employment is defined as service performed for wages under any contract of hire, written or oral, expressed or implied. Service in interstate commerce is included.

REFERENCE: Iowa Code, Section 96.19-7a

Services performed by an individual for wages is considered employment unless and until it is shown to the satisfaction of the Commission that the individual has been and will continue to be free from direction or control over the performance of such services, both under his contract of hire and in fact.

REFERENCE: Iowa Code, Section 96.19-7f

Localization of Employment

Some employing units may have persons on their payrolls who work in Iowa and also in another state. An individual's entire service is considered Iowa employment when any of the following conditions exist:

1. An individual's entire service is performed in Iowa.
2. An individual's service is performed both within and outside Iowa, but the service performed outside of Iowa is temporary or transitory in nature and incidental to regular service within Iowa.
3. An individual's service is performed in more than one state, with some of the service performed in Iowa, and the individual's base of operations or place from which he is directed or controlled is located in Iowa.
4. The base of operations or place from which an individual's service is directed or controlled is not in any state in which some of the service is performed, but the individual's residence is in Iowa.

Examples of Iowa employment:

- (a) All services are performed in Iowa.
- (b) An employing unit has individuals regularly performing service in Iowa and surrounding states. The services are directed or controlled from Iowa, or the individual's base of operation is in Iowa.
- (c) A New York employing unit has an employee who resides in Iowa and performs service in Iowa and surrounding states but performs no service in the State of New York.

REFERENCE: Iowa Code, Section 96.19-7b
96.19-7c

Excluded Employment

Certain kinds of work are excluded from the definition of employment. Generally workers in these areas are excluded:

1. Government--local, state, federal
2. Agricultural labor
3. Domestic service in a private home
4. Family--certain members
5. Work for nonprofit organization
6. Student help

Government Service includes services performed by an employee of Iowa, any of its political subdivisions, any Iowa instrumentality or its political subdivisions. Service performed by an employee of any other state or states or of the United States government and of any of their political subdivisions are excluded.

However Congress has extended coverage to require certain privately owned instrumentalities to carry unemployment insurance. These instrumentalities include Federal Reserve Banks, Federal Home Loan Banks, Federal Land Banks, Federal Land Bank Associations and Federal Credit Unions. Any question about the status of privately owned federal instrumentalities under the Iowa Employment Security Law should be directed to the Iowa Employment Security Commission.

Agricultural Labor includes service performed on a farm by an employee of any individual in connection with cultivating the soil or raising or harvesting any agricultural or horticultural commodity. It includes the raising, caring for and training of livestock, bees, poultry, fur-bearing animals and wildlife.

Services performed by an employee of the owner, tenant or other operator of a farm in connection with the conservation, improvement or maintenance of the farm or its tools and equipment is excluded when the service is performed on a farm. This exclusion does not apply to contractual labor furnished by a commercial employer or organization.

Farm includes stock, dairy, poultry, fruit, fur-bearing animals, truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures that are used primarily for the raising of agricultural or horticultural commodities and orchards. In some instances, enterprises such as plantations, nurseries, greenhouses and others may engage in both agricultural and nonagricultural business. Under these circumstances an employee who performs some nonagricultural service would be counted as an employee on each day or portion of a day that service is performed in determining the liability of the enterprise to pay unemployment tax. That portion of his wages covering the nonagricultural service would be taxable if liability occurs.

Family Employment includes parents, wife or husband and minor children working for an individual proprietor. This exclusion does not apply when the employing unit is a partnership unless an exempt relationship is held to each member of the partnership. This exclusion does not apply to corporations.

EXAMPLE: Sam Smith is the individual proprietor of Smith Drug. His wife and children are not counted as employees under the Iowa Employment Security Law. However, if Sam Smith and Tom Jones formed a partnership, their wives and their minor children would be considered employees since they would not hold an exempt relationship to both partners.

EXAMPLE: Henry and Mary Smith operate Smith Drug as a husband-wife partnership. Their children under 21 would not be counted as employees under the Iowa Employment Security Law since they hold an exempt relationship to both partners. However, Henry's father would be counted as an employee since he does not hold an exempt relationship to both partners.

EXAMPLE: Henry Smith and his father John Smith run Smith Drug as a partnership. Henry's mother would not be counted as an employee since she has an exempt relationship to both partners. However, Henry's wife and his minor children would be counted as employees. If Henry and his father employ any of Henry's brothers or sisters, they would also be counted as employees.

EXAMPLE: Henry and his brother Albert Smith form a partnership. Their parents would not be counted as employees since they hold an exempt relationship to each member of the partnership. However, Henry's and Albert's wives and children would be counted as employees.

Nonprofit Organizations includes services of employees of a corporation, community chest fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes. This service is excluded from the definition of employment if no private shareholder or individual benefits from any part of the earnings.

Student Help includes service by students who devote their time and efforts chiefly to their studies rather than to incidental employment during school vacations or outside school hours.

However student help is not excluded from the definition of employment under the Federal Unemployment Tax Act. An Iowa employing unit that qualifies as an employer under the federal act when counting student help automatically becomes an employer under the Iowa Employment Security Law. However he is not required to report or pay tax on student wages to the Commission unless he voluntarily elects to cover his student employees.

Voluntary Election to Cover Excluded Services

An employing unit may voluntarily elect to cover some of the services that are excluded from the definition of employment by making application in writing to consider these services as employment for not less than two calendar years. On the approval of the application by the Commission this service will be considered employment to the same extent as any other services. These services will cease to be employment only when the employing unit has filed a written request for termination of its election by February 15 of any calendar year after the two calendar years specified in the election.

Counting Employees to Determine Liability for Unemployment Insurance Coverage

In counting employees include the largest number of individuals employed on any one day of each week in a calendar year. This count should include the current calendar year and the preceding calendar year if the employing unit had employment during that time. The Commission may require reports from an employing unit 5 years from the date that the reports were due.

Casual Labor: Casual labor is included in the count of employees on the days service is performed. No time or earnings limit exists on casual or part-time labor. When an individual performs service on any portion of a day, that individual is counted as being in employment on that day. A day is considered to be from midnight to midnight. A casual or part-time laborer who works from 10 p.m. to 6 a.m. would be counted as being in employment on two days.

Part-Time Employees: Regularly employed part-time employees should be counted as employees on all seven days of the week since a regularly employed individual is considered to be in employment until his services are officially terminated.

Regular Full-Time Employees: Full-time employees should be counted as being in employment on all seven days of the week even though they may only work five days. Since their services have not been terminated, they are still counted as employees on their days off.

Paid Sick Leave: Individuals are counted as employees on each day of their paid sick leave or until their services are officially terminated.

Paid Vacation: Individuals are counted as employees each day of their paid leave or until their services have been officially terminated.

Leave Without Pay: Individuals on leave of absence without pay should not be counted as being in employment after the effective date that their leave begins. Their services are considered to resume at the expiration of the leave when they are reinstated as employees.

Severance Pay: An individual whose services are officially terminated on a specific date should not be counted as being in employment after that date even though severance pay is granted for a specified number of weeks or pay periods. Further, severance pay is not considered taxable wages.

Employees of Sub-Contractors

When an employing unit engages a contractor or sub-contractor to perform work in its usual trade, profession, or business, the employing unit should include, with its count of employees, the employees of each contractor or sub-contractor each day service is performed in determining liability for unemployment tax. In some cases, the sub-contractor may be an employer required to carry unemployment insurance.

Employing Units Owned or Controlled by the Same Interests

When two or more employing units are owned or controlled by the same interests, the employees of each unit should be counted together in determining the liability of each unit for unemployment tax.

Note: The units should be combined and then counted to avoid counting some employees twice.

Officers of a Corporation

Officers of a corporation who work for the corporation should be counted as employees of the corporation. This does not apply to those officers who perform no service for the corporation except to attend board meetings.

Examples of Counting Employees

1. Company X has two regular full-time employees, one regular part-time employee performing service on Mondays, Wednesdays, and Fridays each week and a regular part-time employee performing service on Tuesdays, Thursdays, and Saturdays each week. Company X would have four individuals in employment each day of the week and liability for coverage would occur when 20 weeks of this employment was experienced in a calendar year.
2. Great Company has three regular full-time employees performing service Monday through Friday each week. An attendant is engaged to clean up and answer the phone on Saturdays. The three regular employees would be counted as being in employment the full seven days each week and the attendant would make the fourth employee on Saturdays. If there were 20 similar Saturdays in a calendar year, Great Company would become an employer.
3. XYZ Construction Company has two regular employees, a bookkeeper and a stenographer. The company engages the services of a contractor to perform some of the work on its construction jobs. The contractor has two employees. The two regular employees are counted with the contractor's two employees making a total of four employees. If this occurs in 20 days of 20 different weeks during a calendar year, XYZ Construction Company would become an employer.
4. A & B own over 50% of the voting stock in Smith Drug Company, Inc. A & B are also the sole partners of Jones Drug Store. The Smith Drug Company, Inc. has two employees, and Jones Drug Store has two employees making a total of four employees in the two businesses. If the two businesses have 20 weeks with four or more employees in a calendar year each business would become liable for unemployment tax.
5. A, B, and C are officers of Corporation X. A and B work for the corporation and receive a regular salary each month. C does not work for the corporation but attends board meetings once a month and is paid \$10 to cover expenses of attending these meetings. A and B should be counted as employees, but C would not be counted.

Effective Date of Coverage

An employing unit that qualifies as an employer anytime during the calendar year is considered to be an employer for that entire year.

EXAMPLE: The 20th week that the Holland Company has four or more individuals in employment on some one day of the week takes place in December 1964. The effective date of coverage for the Holland Company would be January 1, 1964.

Voluntary Election: An employing unit may voluntarily elect to become an employer on any date. This date becomes the effective date of coverage with Commission approval. However, if the employing unit actually qualifies as an employer under the Iowa Employment Security Law at a later date, the voluntary election becomes void and the effective date of coverage is corrected to January 1.

REFERENCE: Iowa Code, Section 96.8-1 and 96.8-3.

Acquisition of Business: The date of purchase or acquisition is the effective date of coverage for an employing unit that purchases or acquires the business, organization or trade of a covered employer. However when the purchasing employing unit has had employment before the date of purchase, the effective date of coverage is January 1 of the year of the acquisition.

An employer who purchases the business of another employer required to carry unemployment insurance must file a Report of Employer on Acquiring a Business at the time of acquisition.

Termination of Coverage

Once an employing unit qualifies as an employer, it must carry unemployment insurance until it meets the requirements for termination. An employer's account may be terminated in three ways:

Voluntary Termination: An employer's account may be voluntarily terminated if the employer shows that his employing unit did not have four or more individuals in employment on 20 days of 20 different weeks of the preceding year. A written application for termination must be made before February 15.

REFERENCE: Iowa Code, Section 96.8-2

Transfer of Business: When an employer sells or otherwise transfers his business to another employing unit or it is reorganized or merged into a single employing unit, the employer's account is terminated the effective date of the transfer.

REFERENCE: Iowa Code, Section 96.8-4a

Discontinuance of Business: Whenever the business of an employer has been discontinued other than by sale or transfer and there has been no employment for one year, the Commission may terminate the account by its own motion.

An employer who sells, transfers or discontinues business must file a Report of Employer on Disposition of Business in Whole or in Part, IESC Form 26, at the time of sale, transfer or discontinuance of business.

REFERENCE: Iowa Code, Section 96.8-4b

4. Unemployment Insurance Tax

Tax Rate

With the exception of employers engaged in construction projects, any employing unit that becomes an employer under the provisions of the Iowa Employment Security Law is required to pay a tax of 2.7 per cent of his taxable payroll each calendar quarter. This rate continues in effect each calendar year until the eligibility requirements for a computed rate are met.

Note: Those employing units engaged in the construction, erection, demolition, alteration or repair of roads and highways, or of bridges, building, factories, residences, earth work, grading, river work, or any other construction projects, which have not met the requirements for a reduced rate will be required to pay 2.7% of their taxable payroll up to and including \$10,000 in a calendar quarter, 3% of taxable wages in excess of \$10,000 in a calendar quarter in 1966, 3.5% of the excess in 1967, 4% of the excess in 1968, and 4% of the excess for each year thereafter.

Definition of Wages

Wages include all remuneration for personal services including salaries, commissions, bonuses and the cash value of all remuneration in any medium other than cash. For example, the reasonable cash value of meals or lodging furnished an employee by an employer is considered wages. Tips are not considered wages for unemployment tax purposes except when a gratuity is paid to the employer for distribution to his employees.

Definition of Taxable Wages

Taxable wages are the first \$3,000 paid to an individual before deductions for service performed in Iowa. Wages for service performed outside of Iowa cannot be used in determining the first \$3,000 taxable wage.

Wages paid by the former owner of a business may be considered in determining the first \$3,000 taxable wages if the former employer was required to pay unemployment tax in Iowa.

All wages must be included in reports since there is no minimum wage. Total wages of each employee must be shown each calendar quarter although you only pay a tax on the first \$3,000.

Unemployment tax must be paid entirely by the employer and none of the tax may be deducted from the remuneration paid to the employee.

Employer Contribution and Summary Report

An employer under the Iowa Employment Security Law must file payroll and contribution reports each calendar quarter. This report must show the social security number, name and total and taxable wages of each employee during the quarter. The amount of tax due is based on the taxable wages shown on this report. Forms are mailed to covered employers each quarter. New employers may secure forms by writing the Commission.

Deadline for Filing Reports and Paying Tax

Reports are due and taxes payable no later than the last day of the month following the calendar quarter reported, or 30 days after the end of the calendar quarter.

Deadline for New Employers

When an employing unit first qualifies as an employer, the deadline for filing reports is 30 days after the end of the quarter in which the employing unit became liable. For example, if an employing unit qualifies as an employer in the third quarter of the year, reports on all preceding quarters in that year are due no later than October 31.

Federal Reporting

If you are subject to the Federal Unemployment Tax Act, you are required to file Form 940, Annual Federal Unemployment Tax Return with the District Director of Internal Revenue on or before January 31 of each year with the required remittance.

Determination and Assessment of Unemployment Insurance Tax

Determination: As soon as practicable and, in any event within two years, employer reports are examined and the correct amount of tax determined.

When this tax is greater than the amount paid, the excess tax and interest must be paid within 30 days after the employer has been notified by certified mail.

Limitation: When wages have not been listed in reports, or when reports are not filed when due or when reports are filed, but no taxes are paid, the correct amount of taxes and interest is due within 30 days after the Commission has notified the employer by certified mail.

Revision of Unemployment Insurance Tax: An employer may appeal for a revision of tax, assessed interest and penalties within 30 days after the date of the notice of assessment. If the amount is found incorrect at a hearing, the assessment is revised and the amount adjusted. Notice of the findings are sent by certified mail. An employer may also appeal an employer liability or other employer status determinations. The Commission will grant a hearing to determine the correctness of the original findings.

Appeal: The employer may take his appeal to the district court of the county where he resides or where his principal place of business is located. A non-resident who does not maintain a place of business in Iowa may appeal to the district court in any county in which wages were paid or in Polk County. This appeal must be made within 60 days after the date of notice to the employer of his tax rate or of the Commission's determination.

Jeopardy Assessments: When an assessment or collection of tax will be jeopardized by delay, an immediate assessment of the estimated tax and interest may be made and a demand for payment made to the employer. If payment is not made, a distress warrant may be issued or a lien filed against the employer immediately.

Penalties and Interest

A penalty of two per cent of the tax owed for each month or part of the month can be assessed for failure to file a report on the due date. This penalty cannot exceed 10 per cent of the tax due.

When a report is insufficient, the employer will be notified by the Commission. An employer who then fails to file a sufficient report within 30 days after the mailing of this notice must pay a penalty of two per cent of the unpaid tax at the time of the mailing for each month or part of a month that he fails to file a sufficient report. This penalty is in addition to any amount he otherwise owes. However, the penalty cannot exceed 10 per cent of the amount of the additional tax.

When an employer has a zero rate and is not required to pay a tax on his employee's wages, the penalty for failure to file a report on time is one per cent of his taxable payroll. No penalty or penalties are less than \$10.

An employer who willfully fails to pay any unemployment insurance tax with the intent to defraud the Commission is required to pay a contribution equal to 50 per cent of his tax in addition to the amount of tax he owes.

Any employer who fails to pay his unemployment insurance tax on the date due must pay interest at the rate of one per cent a month or 1/30 of one per cent for each day or part of a day from the due date.

REFERENCE: Iowa Code, Section 96.14-1, 2

Liens-Collections

Whenever an employer refuses or neglects to pay unemployment insurance tax, the amount of tax plus interest and additional costs is considered a lien in favor of the state upon all his real or personal property or rights to property. These liens shall attach at the time the tax becomes due and payable and shall continue until liability for the amount is satisfied.

A notice of lien shall be filed by the Commission with the recorder in the county where the property is located to preserve the liens against subsequent mortgage, purchasers or judgment creditors for value and without notice of lien.

Under normal procedure, the Commission will send the employer a "Notice of Assessment and Lien" setting out the tax and interest. When this amount is not paid within 30 days from the date of this notice, a "Notice of Lien" is filed with the County Recorder. However, when it is warranted the Commission may serve the employer with a jeopardy assessment. In this case a "Notice of Lien" will be filed with the County Recorder if the amount is not paid at the time of the serving of the Notice of Assessment.

When an employer defaults in his unemployment insurance payment and interest after due notice, the amount may be collected by civil action in the name of the Commission and the employer adjudged in default shall pay the costs of this action.

REFERENCE: Iowa Code, Section 96.14-3

Refunds

An employer who has erroneously paid unemployment tax or interest may file an application for adjustment. Just and equitable refunds shall be made by the Commission. These refunds are charged to the fund where the erroneous collections were credited and will be paid to the employer without interest.

Limitation on Refunds: Any claim for refund of erroneous unemployment insurance payment must be made within three years from the date of the payment.

REFERENCE: Iowa Code, Section 96.14-5

Credit Allowable on Federal Unemployment Tax

Any employing unit that qualifies as an employer under the Federal Unemployment Tax Act is required to pay an annual unemployment tax to the Internal Revenue Service.

This tax amounts to:

- 3.1 per cent of the taxable payroll for 1964
- 3.1 per cent of the taxable payroll for 1965
- 3.1 per cent of the taxable payroll for 1966
- 3.1 per cent of the taxable payroll for 1967
- 3.1 per cent of the taxable payroll for 1968
- 3.1 per cent of the taxable payroll for 1969

The taxable payroll under the Federal Unemployment Tax Act is the first \$3,000 paid any employee in a calendar year. The Federal Unemployment Tax is an annual tax and must be paid no later than January 31 of the following year.

Tax paid to the state unemployment trust fund may be used as credit on payment of the Federal Unemployment Tax. The maximum credit is 2.7 per cent of the employer's taxable payroll regardless of the amount of tax paid into the state fund. Only tax paid to the state by January 31 following the taxable year may be applied as credit on the federal tax.

EXAMPLE: The Jones Company has a taxable payroll of \$40,000 for the calendar year 1969.

To compute their federal tax multiply \$40,000 by 3.1 per cent.

The result is \$1,240.

To find credit allowed for state tax, multiply their taxable payroll each quarter by 2.7 per cent:

1st Quarter	$\$10,000 \times 2.7\% = \$$	270
2nd Quarter	$10,000 \times 2.7\% =$	270
3rd Quarter	$10,000 \times 2.7\% =$	270
4th Quarter	$10,000 \times 2.7\% =$	<u>270</u>
Total Credit Allowed		\$1,080

Subtracting this allowable credit of \$1,080 from the federal tax of \$1,240, the Jones Company would find that it owes \$160 in federal tax.

An employer who has a reduced tax rate under the state program can still take credit on his federal tax for the full 2.7 per cent of his taxable payroll. An employer, however, who has a tax rate of more than 2.7% will only be allowed a credit of 2.7% on his Federal Unemployment Tax Return. An employer who has failed to pay the state tax by the delinquent date for filing a Federal return (Jan. 31 following the taxable year), will be allowed credit for only 90% of the 2.7 per cent state credit when filing a Federal return.

EXAMPLE:

State tax paid on time:

Taxable Wages	Federal Tax 3.1%	Credit Allowable State Tax 2.7%	Balance Due Federal Return
\$10,000	\$310	\$270	\$40

State tax paid after January 31 of the year following the taxable year:

Taxable Wages	Federal Tax 3.1%	Credit Allowable 90% of 2.7% State Tax	Balance Due Federal Return
\$10,000	\$310	\$243	\$67

5. Reduced and Special Tax Rates Based on Experience

Provision for Computation of Tax Rate Based on Experience

To be eligible for a tax rate based on experience, an employer must have submitted payroll reports and paid unemployment insurance tax to the state for 14 consecutive calendar quarters immediately preceding October 1 of the preceding calendar year. Since an employer who becomes liable during a calendar year qualifies for that entire calendar year and since tax rates are computed on a calendar year basis with the computation date October 1, an employer who has not met the eligibility requirements would normally be required to pay the maximum tax rate for four calendar years before becoming eligible for a computed rate based on experience.

Reduced Tax Rate

Whenever the tax paid by an employer exceeds the benefits charged to the employer's account on the computation date (October 1), and the employer has met the provisions for a computed rate, his rate for the following calendar year shall be based on the ratio of his tax balance (excess of tax paid over benefits charged), to the 3-year average annual taxable payroll (the total taxable payroll for the 12 calendar quarters immediately preceding October 1, divided by 3).

Special Rates Based on Experience

Amendments to the Iowa Employment Security Law passed by the 61st General Assembly provide for special tax rates for employers engaged in construction projects and employers whose accounts reflect deficit balances.

Construction Projects: Employers engaged in the construction, erection, demolition, alteration or repair of roads or highways, or bridges, buildings, factories, residences, earth work, grading, river work, or any other construction project who have not qualified for a computation of tax rate based on experience, shall pay a tax rate of 2.7% of the first \$10,000 of taxable payroll each calendar quarter, and 3% for calendar year 1966, 3.5% for calendar year 1967, 4% for calendar year 1968, and 4% for each following calendar year on all taxable payrolls in excess of \$10,000 each calendar quarter until they have qualified for a lesser rate.

Deficit Balances: Whenever the benefits charged to an employer's account exceed the tax paid into the account, resulting in a deficit balance, and the employer has qualified for a computation of tax rate based on experience, the employer's rate is based on the ratio of the deficit balance to his 3-year average annual taxable payroll. See "Rating Table", page 27 for applicable rates.

Special Rate Provision

Amendments passed by the 61st General Assembly provide that in no event shall any employer's tax rate be more than 2.7% of the first \$10,000 of wages for insured work paid during any calendar quarter. This provision is applicable to all rates greater than 2.7 per cent.

Voluntary Contributions

An employer may make a voluntary contribution at any time to preserve his existing rate or improve his rate for the following calendar year. Voluntary contributions made before January 1 of any year are considered in computing the tax rate for that year. Voluntary contributions made after January 1 are used in the following year's computation. In other words, a voluntary contribution made during any calendar year is used in computing the rate for the following year. An eligible employer's tax rate is based on the ratio found by dividing the balance of the merit rating account at the end of the third calendar quarter by the average annual taxable payroll for the three preceding years. (Twelve consecutive calendar quarters before October 1, divided by 3.) Please feel free to write us for additional information or help.

Rating Table

The current schedule provides more rates than we had in the past and makes it somewhat easier to gain a zero rate. Penalty rates are provided for employers when benefit payments have exceeded tax payments. The new schedule was first used in assigning 1966 rates.

CONTRIBUTION RATE

2.7%
2.6%
2.5%
2.4%
2.3%
2.2%
2.1%
2.0%
1.9%
1.8%
1.7%
1.6%
1.5%
1.4%
1.3%
1.2%

PERCENTAGE OF EXCESS

0.0% but less than 2.3%
2.3% but less than 2.4%
2.4% but less than 2.5%
2.5% but less than 2.6%
2.6% but less than 2.7%
2.7% but less than 2.8%
2.8% but less than 2.9%
2.9% but less than 3.0%
3.0% but less than 3.1%
3.1% but less than 3.2%
3.2% but less than 3.3%
3.3% but less than 3.4%
3.4% but less than 3.5%
3.5% but less than 3.6%
3.6% but less than 3.7%
3.7% but less than 3.8%

Rating Table (continued)

CONTRIBUTION RATE

PERCENTAGE OF EXCESS

1.1%	3.8% but less than 4.0%
1.0%	4.0% but less than 4.3%
.9%	4.3% but less than 4.6%
.8%	4.6% but less than 4.9%
.7%	4.9% but less than 5.3%
.6%	5.3% but less than 5.7%
.5%	5.7% but less than 6.1%
.4%	6.1% but less than 6.5%
.3%	6.5% but less than 7.0%
.2%	7.0% but less than 7.5%
.1%	7.5% but less than 8.0%
.0%	8.0% or over

If the total benefits exceed the contributions, resulting in a negative balance, the rates are determined from the following extension of the table.

4.0%	0.5% or more
3.5%	0.1% but less than 0.5%
3.0%	0.0% but less than 0.1%

All rates of 1.9% or less will be one-half of the table value for 1966. No rate will be higher than 3% for 1966. The 3.5% rate will become operative in 1967 and the 4% rate in 1968. The rates above 2.7% are not applicable to the first \$10,000 of the employer's taxable payroll for a calendar quarter. If you are assigned a rate of 3% for 1966 you will pay 2.7% on the first \$10,000 of taxable payroll each quarter and 3% on the wages above this figure.

Rate Notice

During the first calendar quarter of each year, each employer is notified of his tax rate for that year. This notice gives the account number, the 3-year average annual taxable payroll, the total tax paid into the account, the total benefits charged to the account and the excess of tax paid over benefits charged or the excess of benefits charged over tax paid as of October 1 of the preceding calendar year. It also shows the ratio of the excess tax balance to the average annual taxable payroll and the tax rate for the calendar year. If an employer hasn't met the requirements for a computed rate, the notice will indicate "Not Eligible, Lack of Experience."

Change of Address

If you move, notify the Commission immediately in order to protect your rights and avoid any possible penalties and interest for late filing.

Poster and Information for Workers Booklet

You are required to display IESC Poster 209 Notice to Workers in a place where all employees can see it. You should also provide each employee with a copy of the booklet Information for Workers, IESC 200, at the time of termination. These posters and booklets can be obtained by writing the informational services department of the Iowa Employment Security Commission.

Employer Audits

Periodic audits are made of all employers subject to the Act. These audits may result in refunds or additional taxes. Field representatives may also inspect non-covered employers to determine if they are subject to the Iowa Employment Security Law.

6. Unemployment Insurance Benefits

Eligibility Conditions

To receive unemployment insurance a person must meet these eligibility conditions:

1. He must be totally or partially unemployed and be physically able to work, available for work and earnestly and actively making an effort to find employment.
2. He must file a claim at the nearest Area Claims Center or public employment service office and he must register for work at the public employment service office.
3. He must have earned wages in insured employment during his base period of at least \$200 in one calendar quarter and at least \$100 in another calendar quarter. However, if he were paid benefits on a claim filed in the year preceding this new claim, he must have earned \$100 in insured employment since he filed the preceding valid claim even though he can meet the \$200 and \$100 requirement on the new claim. The conditional \$100 may be a part of the \$200 and \$100 requirement.
4. He cannot place any undue restriction on his prospects for obtaining work. These restrictions include demanding wages higher than the prevailing rate, limiting the number of hours of work, wanting work during hours other than those customary in his occupation and limiting his availability to a small sector of the economy.
5. He must have served a waiting period of one week of total unemployment or two weeks of partial unemployment in the benefit year. Two weeks of partial unemployment constitute one week of total unemployment and such weeks need not be consecutive.

The waiting period, however, becomes compensable after benefits are payable for five consecutive weeks in the same benefit year.

REFERENCE: Iowa Code, Section 96.4

Notice to Employers

Each employer whose account may be charged is mailed a Notice of the Filing of a Valid Claim by the Commission's administrative office. When an employer receives this form, he may protest the payment of benefits if he believes the claimant should be disqualified. Each employer has a maximum of seven calendar days from the date the notice is mailed to file his protest.

Notice of Separation

All employers are urged to use the Notice of Separation or Refusal of Work, Form IESC 203, to report separations of workers. Only separations other than a layoff for lack of work should be reported. The original copy must be submitted to the Commission within seven days of the date of separation. The second copy is given to the worker and the third copy is retained by the employer. By using the Notice of Separation, the employer protects his own interests because no benefits can be paid until the issue has been resolved.

Computation of Benefits

The benefits an unemployed worker may receive during a benefit year is determined as follows:

1. Weekly Benefit Amount shall be $1/22$ of his total wages in insured work paid during the calendar quarter of his base period in which wages were highest, but shall not exceed 50 per cent of the average weekly wage paid to all workers in insured work during the preceding calendar year. Weekly benefits are rounded to the nearest multiple of one dollar.

WEEKLY BENEFIT SCHEDULE

Wages in high quarter of base period	Weekly benefit amount	Wages in high quarter of base period	Weekly benefit amount
\$200 - \$208.99	\$ 9	\$ 737 - \$ 758.99	\$34
209 - 230.99	10	759 - 780.99	35
231 - 252.99	11	781 - 802.99	36
253 - 274.99	12	803 - 824.99	37
275 - 296.99	13	825 - 846.99	38
297 - 318.99	14	847 - 868.99	39
319 - 340.99	15	869 - 890.99	40
341 - 362.99	16	891 - 912.99	41
363 - 384.99	17	913 - 934.99	42
385 - 406.99	18	935 - 956.99	43
407 - 428.99	19	957 - 978.99	44
429 - 450.99	20	979 - 1,000.99	45
451 - 472.99	21	1,001 - 1,022.99	46
473 - 494.99	22	1,023 - 1,044.99	47
495 - 516.99	23	1,045 - 1,066.99	48
517 - 538.99	24	1,067 - 1,088.99	49
539 - 560.99	25	1,089 - 1,110.99	50
561 - 582.99	26	1,111 - 1,132.99	51
583 - 604.99	27	1,133 - 1,154.99	52
605 - 626.99	28	1,155 - 1,176.99	53
627 - 648.99	29	1,177 - 1,198.99	54
649 - 670.99	30	1,199 - 1,220.99	55
671 - 692.99	31	1,221 - 1,242.99	56
693 - 714.99	32	1,243 - 1,264.99	57
715 - 736.99	33	1,265 and over.	58

2. The Maximum Benefits that can be paid to a claimant during a benefit year shall be one-third of his total wages in insured work during the base period or 26 times his weekly benefit amount, whichever is the lesser.

3. The Maximum Weekly Benefit Amount is computed annually and becomes effective on the first day of the first full week in July. It is based on 50 per cent of the average weekly wage paid to employees in insured work during the preceding calendar year.

Disqualifications

An unemployed worker may be disqualified from receiving unemployment insurance for any of these reasons and such disqualifications may range from a maximum of one week to total denial of benefits:

1. Voluntarily quitting a job without good cause attributable to the employer.
2. Misconduct in connection with his employment.
3. Involvement or participation in a labor dispute.
4. Refusal of a suitable job offer or recall from his former employer.
5. Failure to make an adequate search for work.
6. Unavailability for work.
7. Unrealistic limitation on availability such as excessive wages, only part-time work, hours other than those when such work is performed or undue selectivity in the choice of an employer.
8. Physically unable to work.
9. Refusal of referral to a suitable job by the employment service without good cause.
10. Failure to respond to a call-in to the local employment office without a valid reason.
11. Failure to report to the local office when directed.

REFERENCE: Iowa Code, Section 96.5

Explanation of Base Period

The amount of benefits a claimant may receive is determined by the amount of wages paid in covered employment during his base period. An explanation of the base period appears on page 1.

7. Benefit Payment Policy and Practice

Claimant Interviews and Reports

Each week that an unemployed worker is claiming unemployment insurance benefits he must file a written report. This report covers:

1. His earnings during the week.
2. Other income that might be deductible from benefits.
3. His availability for and his willingness to work.
4. Illness or other disability that prevented him from working.
5. Employers contacted for work, the kind of work sought, the results of each contact and the refusal of any job offers.
6. Any self-employment that would have prevented the acceptance of a job offer. Income from self-employment is not deductible from benefit payments but it does raise a question of availability.
7. Attendance at a school or training facility. (This raises a question of availability. In the majority of cases, availability issues are determined at the Area Claims Center.)

Whenever the local office claims taker believes the unemployed worker should be disqualified, a statement of facts is obtained in writing. The claims taker makes a recommendation referring to the section of the law that applies and forwards the information to a Commission deputy for a determination.

Whenever possible the employment service places claimants on jobs for which they qualify. Labor market information, reports of refusals of job referrals and restrictions on availability on the job application and other information that might affect the claimant's eligibility for benefits is also relayed by the employment service to the claims department.

Testing Availability for Work

Willingness to Work can be tested by referring the claimant to suitable job openings through the employment service. His responses will usually indicate his sincerity in wanting a job.

When there is a question about the claimant's physical ability to work, a medical report is obtained from his physician covering the diagnosis, prognosis, the kind of work the claimant can perform, if any, and the date he could have or will be able to return to work.

When the claimant has not consulted a physician, his physical appearance is observed by the claims taker and the claimant's certification that he is able to work is accepted. An unemployed worker is not eligible for benefits for any week in which he is unable to work.

A claimant for unemployment insurance places restriction on his availability for work when he demands any of the following conditions:

1. Work that does not exist in the area where he resides and he is restricting his work search to that area.
2. Wages higher than the prevailing rate in the area where he resides.
3. Work during hours of the day when work of that kind is not performed.
4. Limitation of employment to only one or a few of many employers in the area where his kind of work is performed.
5. Part-time work only although all his wage credits are based on full-time employment.
6. Work of a nature that he is not qualified to perform.

Information on work restrictions is obtained by questioning the claimant, by reviewing his application for work with the employment service and by analyzing his contacts for work. So long as a work restriction is in effect, a claimant is not eligible for benefits.

A claimant must conduct an earnest and active search for work in each week that he is claiming benefits. The claimant must make use of every media normally used by an unemployed person to find a new job. This consists of making personal applications with employers who have workers in the same or closely related occupations in which the claimant has had experience or training, reading the help wanted ads in newspapers and applying for jobs that the claimant feels he is qualified to perform and asking friends and relatives about job openings and checking out any leads.

Claimants who maintain an active membership in a union or a professional organization that usually places its members on jobs must keep in touch with their organization.

Benefits are denied for any week in which the claimant fails to make an adequate search for work.

Effect of Disqualifications on Benefits

Voluntary Leaving: When a worker quits his job without good cause attributable to the employer and his reason for quitting does not come under one of the saving provisions of the Iowa Employment Security Law, the wage credits earned during that period of employment which was quit are cancelled. The period of employment is defined as a continuous period of employment that is uninterrupted by layoff or separation.

Saving Provisions -- No Disqualifications: Under these saving provisions, a worker is not disqualified if:

1. He quits to accept better employment. The better job must have been obtained while he was still employed and he must remain on this job continuously for at least six weeks. Periods of employment may not be combined to count as six weeks of continuous employment.
2. He is unemployed as a result of a layoff by his regular employer and he accepts a temporary job with the understanding that he will return to his regular employer when recalled and does just that. If he finds the temporary job unsuitable he may leave that job and will only forfeit wage credits on the temporary job.
3. He leaves his job to care for a member of his family who is injured or ill. If he returns to his employer immediately after his services are no longer needed by the member of the family and requests employment and no job is available, he is still entitled to the wage credits he has already earned. However, to qualify for benefits, he must not have taken any other job during his absence. Benefits would not be payable during the period he was caring for the family member.
4. He becomes ill or injured while he is employed and is advised by his physician to leave his job. He must notify his employer immediately of his condition. As soon as his physician certifies that he is able to return to work, he must return to his employer immediately and offer his services. If his job or similar comparable work is not available, he is not disqualified from receiving benefits.
5. He leaves his job upon the advice of his physician to take a member of his family to a different climate. During the entire period he is living at the new location and until he returns to his former employer and seeks re-employment, he is considered not available for work. When he does seek re-employment and no suitable job is available, he is not disqualified. Under this provision, the worker may accept temporary employment during his absence without jeopardizing his rights.
6. He leaves his job for compelling personal reasons for not more than 10 working days or as much additional time as his employer allows. If he has informed his employer of his absence before leaving and he returns to work but his previous

job or comparable work is not available, he is not disqualified. However, during the time he is away from work because of the compelling personal reason, he is not eligible for benefits. A married person who is not the principal support of his family cannot qualify under this provision.

Discharge for Misconduct: Misconduct is defined as a willful or deliberate act or omission by a worker that constitutes a material breach of his duties and obligations, a willful disregard of the standards of behavior fixed by the employer or recurrent carelessness or negligence that manifests willful intent. Inefficiency or incompetence on the part of the worker is not considered misconduct. Misconduct must be in connection with the worker's employment.

The disqualification for misconduct ranges from four to nine weeks and the claimant is ineligible for benefits for the duration of the disqualification period. The claimant forfeits benefits for each week that he was disqualified. After the expiration of the disqualification period, the waiting period must be served before any benefits become payable, provided the claimant meets the eligibility requirements.

Failure to Accept Work or Recall Without Good Cause: A worker who refuses a bona fide offer of a suitable job, a recall from his former employer or fails to apply for suitable and available work when he is so directed by the employment service is ineligible for benefits until such time as he again establishes himself in the labor market by accepting employment of a permanent nature. In determining if work is suitable, these conditions are considered:

1. The degree of risk to the worker's health, safety and morals.
2. His physical condition.
3. His experience and previous training.
4. His previous earnings.
5. The length of his unemployment and his possibility of obtaining work in his customary occupation.
6. Distance to work and working conditions.

However benefits are not denied and work is not deemed suitable when:

1. The job is open as a direct result of a strike, lockout or other labor dispute.
2. The wages, hours or other conditions of work are substantially less favorable than those for similar work in the locality.
3. The worker would be required to join a company union or to resign from or refrain from joining any bona fide labor organizations as a condition of obtaining employment.

Labor Disputes: An unemployed worker is not eligible for benefits for any week that his total or partial unemployment results from a work stoppage because of a labor dispute. The labor dispute must have been at the factory, establishment or other premises where he was last employed or is employed.

If otherwise eligible he is entitled to benefits if:

1. He is not participating in, financing or directly interested in the labor dispute that caused the work stoppage

and

2. He does not belong to a grade or class of workers who were participating in, financing or directly interested in the dispute immediately before the work stoppage.

REFERENCE: Iowa Code, Section 96.5

Partial Unemployment

In addition to benefits for total unemployment, the Iowa law provides for the payment of benefits for partial unemployment.

A person is partially unemployed when he is working for his regular employer less than his normal full-time hours because of lack of work and is earning weekly wages of less than his partial earnings limit. The partial earnings limit is the weekly benefit amount the worker would receive if he were totally unemployed plus \$6.

Each employer, not later than seven days after the close of each pay period in which there are weeks in which he furnished a worker less than his customary full-time hours because of lack of work and the worker's gross weekly wages were less than his weekly benefit plus \$6 shall complete the employer portion and deliver to each such worker a Joint Low Earnings Report and Claim for Partial Unemployment Benefits, Form IESC 211.

Upon receipt of the first Form IESC 211 in each new benefit year, the Commission will send the employer a Notice of Claimant's Partial Earnings Limit, Form IESC 211a, for each worker who filed a partial claim. Thereafter, the employer is required to complete and deliver to the worker a Joint Low Earnings Report, Form IESC 211, if the worker's gross earnings are less than the partial earnings limit indicated on Form IESC 211a.

The employer may use a payroll by-product such as a check stub, pay envelope or voucher for the first pay period if it contains the same information as the employer section of Form IESC 211 and the certification "I certify the above amount represents reduced earnings in a week of less than full-time work because of lack of work."

Work scheduled but missed by the worker is deducted from weekly benefits the same as wages earned. If the work missed equals or exceeds the amount of regular earnings in any week, the claimant will be disqualified for that week whether or not his absence was excused. The employer is required to report work scheduled but missed by the worker as well as the reduced earnings.

The employee must present the Form IESC 211 or the payroll by-product slip at the nearest Area Claims Center or Iowa State Employment Service office within four weeks after he has received it from the employer.

Partially unemployed workers are not required to conduct a search for work. Claims for partial unemployment insurance become effective on the first day of the first low-earnings week to conform with the employer's workweek. To facilitate the reporting and proper deducting of wages this may be any day of the week.

Supplemental Unemployment Benefits Plans

Employees of companies with supplemental unemployment benefits (SUB) plans are eligible for these SUB benefits in addition to their unemployment insurance benefits. In most instances companies require the worker to produce his unemployment insurance warrant as proof of his eligibility for state benefits before paying his SUB benefits.

All SUB plans must be approved in advance by the Iowa Employment Security Commission to determine if the plans meet certain criteria and are not classified as wages. If you are considering the installation of a SUB plan, it is highly recommended that a copy of the plan be submitted to the Commission as soon as possible so it can be acted on before the effective date of the plan.

8. Appeals

When an employer believes that a determination is incorrect, he may file an appeal to the Appeal Tribunal. This appeal must be filed within seven days after the determination was mailed to him. Appeals filed after that time are dismissed. The timeliness of an appeal is determined by the postmark on the envelope in which the appealed determination is mailed to the agency.

Appeals may be filed in person at Area Claims Centers, by mail, or at the nearest Iowa State Employment Service office. Special appeal forms, Notice of Appeal to Appeal Tribunal, Form IESC 220, for filing an appeal are available at Area Claims Centers or Iowa State Employment Service offices.

Each appeal must include:

1. The name, address and social security number of the claimant.
2. A reference to the decision that is resulting in the appeal.
3. A statement that an appeal from the decision is being made.
4. The reasons why the appeal is being made.

Notice of Hearing

Notices of a hearing on an appeal are mailed to all interested parties at least seven days before the hearing. This notice specifies the date, time and place of the hearing.

It is extremely important for the employer and/or his authorized representative or legal counsel and any witnesses whom he wishes to testify to attend the hearing. Testimony of the employer or any witness cannot be presented over the telephone. Written statements are not considered satisfactory and are not given the same weight as personal testimony under oath.

Although the formal rules of evidence do not prevail in this type of hearing, sufficient competent evidence to sustain a court decision must be presented. The hearing before the Appeal Tribunal is the only stage of the appeal process that testimony is received. However, written or oral arguments may be presented by either party at a Commission hearing.

Appeal Tribunal hearings are presided over by an appeal referee who receives and records testimony given under oath. A decision is issued by the referee after the hearing and a copy of this decision is mailed to all interested parties. When either the employer or the claimant is dissatisfied with the decision, he may ask for Commission review. This request must be made within 10 days after the date of the mailing of the referee's decision.

An appeal may be withdrawn only by the party who filed it. After an appeal to the Appeal Tribunal has been filed and accepted, all correspondence concerning the appeal should be addressed to the appeals section of the Iowa Employment Security Commission.

Commission Review

Notices of hearings before the Commission are mailed to all interested parties at least seven days before the date of the hearing. Commission review hearings are always held in the Commission's administrative office in Des Moines.

Although no additional testimony is admitted into the record, interested parties or their authorized representatives may argue their convictions either orally or in writing. The Commission may affirm, modify or reverse the decision of the Appeal Tribunal or it may remand the case and direct that additional information be received. If not satisfied with the decision of the Commission either party may take its appeal to the District Court.

REFERENCE: Iowa Code, Section 96.6

False Statements, Misrepresentations and Nondisclosures

Anyone who knowingly makes a false statement or misrepresents or conceals facts that prevents, obtains, decreases or increases the amount of unemployment insurance payments or that avoids or reduces the employer tax is liable to fine, imprisonment or both for each offense. Anyone who knowingly makes a false statement under oath is subject to the penalties of perjury.

The employer and employee may not enter into any agreement to waive benefits. Any such agreement is void and provides for a penalty for each such offense of not less than \$100 nor more than \$1000 or be imprisoned for not more than six months or both.

REFERENCE: Iowa Code, Section 96.16

Field Representatives

Representatives of the Iowa Employment Security Commission qualified to answer questions and assist you with your unemployment tax problems are headquartered at Iowa State Employment Service offices throughout the state.

When you have unemployment tax problems contact the field representative serving your county or write the Iowa Employment Security Commission, 1000 East Grand Avenue, Des Moines, Iowa 50319.

Field Representative

Counties or Area Served

C. P. Barrington
Iowa Employment Security Commission
P.O. Box 757
375 Main Street
Dubuque Phone (319) 583-8221

Clayton, Delaware, Dubuque, and Jackson

Robert Brown
Iowa Employment Security Commission
1129 Brady Street
Davenport Phone (319) 322-5901

Muscatine and Scott

Ron Carlson
Iowa Employment Security Commission
509 Douglas Street
Sioux City Phone (712) 258-0144

Lyon, Monona, Plymouth, Sioux, and Woodbury

George Craig
Iowa Employment Security Commission
601 Eighth Avenue S.E.
P.O. Box 729
Cedar Rapids Phone (319) 365-9474

Jones, Linn (Central, Marion, N.E. and N.W.), and Clinton

Joseph H. Cross
Iowa Employment Security Commission
P.O. Box 2423
Waterloo Phone (319) 235-1471

Black Hawk, Bremer, Buchanan, and Fayette

Floyd Espinosa
Iowa Employment Security Commission
1000 East Grand Avenue
Des Moines Phone (515) 281-5487

Polk and Story

Glenn Forbes
Iowa Employment Security Commission
126 North Tenth Street
P.O. Box 1317
Fort Dodge Phone (515) 576-3131

Calhoun, Greene, Hamilton, Hancock, Humboldt, Kossuth, Webster, Winnebago, and Wright

Field Representative

Counties or Area Served

James A. Gordon
Iowa Employment Security Commission
1000 East Grand Avenue
Des Moines Phone (515) 281-5487

Ted R. Hines
Iowa Employment Security Commission
P.O. Box 111
Creston Phone (515) 782-2119

Kenneth D. Kimm
Iowa Employment Security Commission
601 Eighth Avenue S.E.
P.O. Box 729
Cedar Rapids Phone (319) 365-9474

Ben Lavender
Iowa Employment Security Commission
1000 East Grand Avenue
Des Moines Phone (515) 281-5487

I. H. Leonard
Iowa Employment Security Commission
630 Geneseo Street
Storm Lake Phone (712) 732-1576

S. J. Patterson
Iowa Employment Security Commission
P.O. Box 1587
202 First Street N.W.
Mason City Phone (515) 423-1133

Reggie Ross
Iowa Employment Security Commission
710 First Avenue
P.O. Box 420
Council Bluffs Phone (712) 322-4054

*R. E. Shumaker
Iowa Employment Security Commission
216 Commercial Street
P.O. Box 717
Ottumwa Phone (515) 684-7479

Polk

Adair, Adams, Audubon, Cass,
Clarke, Decatur, Dallas, Guthrie,
Madison, Ringgold, Taylor, Union,
and Warren

Cedar, Johnson, Linn (S.E., S.W.,
and R. R.)

Polk

Buena Vista, Carroll, Cherokee,
Clay, Dickinson, Emmett, Ida,
O'Brien, Osceola, Palo Alto,
Pocahontas, and Sac

Allamakee, Butler, Cerro Gordo,
Chickasaw, Floyd, Franklin,
Howard, Mitchell, Winneshiek,
and Worth

Crawford, Fremont, Harrison,
Mills, Montgomery, Page,
Pottawattamie, and Shelby

Appanoose, Davis, Jefferson,
Keokuk, Lucas, Mahaska, Marion,
Monroe, Van Buren, Wapello, and
Wayne

- continued -

Field Representative

Counties or Area Served

Ray L. Skarstad
Iowa Employment Security Commission
807-809 Jefferson
Burlington Phone (319) 752-3639

Des Moines, Henry, Lee, Louisa,
and Washington

Ronald Wilson
Iowa Employment Security Commission
1000 East Grand Avenue
Des Moines Phone (515) 281-5487

Boone and Polk

Richard Zmolek
Iowa Employment Security Commission
401 East Main Street
Marshalltown Phone (515) 752-5405

Benton, Grundy, Hardin, Iowa,
Jasper, Marshall, Poweshiek, and
Tama

*Address after March 1, 1970 - 609 West Second

Directory of Offices

ADMINISTRATIVE OFFICE - IOWA EMPLOYMENT SECURITY COMMISSION
1000 EAST GRAND AVENUE
DES MOINES, IOWA 50319

Area claims centers for unemployment insurance were established in August 1967 to provide the highest quality service in the most economical way. Except for the Ottumwa office, these centers are located at the same address as the Iowa State Employment Service offices in Burlington, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Fort Dodge, Mason City, Sioux City and Waterloo.

Weekly service is provided by these area claims centers to the other 23 Iowa cities with Iowa State Employment Service offices. Cities with this weekly service are Ames, Atlantic, Boone, Carroll, Centerville, Charles City, Clinton, Creston, Decorah, Fairfield, Fort Madison, Iowa City, Keokuk, Marshalltown, Muscatine, Newton, Oelwein, Oskaloosa, Perry, Shenandoah, Spencer, Storm Lake and Webster City.

During the winter months when unemployment is generally the highest, claims service is also scheduled at other outlying towns.

Ames

213 Lincoln Way
Phone: (515) 232-6572
Zip 50010

Atlantic

12 West 4th Street
Phone: (712) 243-2351
Zip 50022

Boone

604 Greene Street
Phone: (515) 432-5806
Zip 50036

Burlington

835 Valley Street
Phone: (319) 753-1671
Zip 52601

Carroll

510 North Clark Street
Phone: (712) 792-2685
Zip 51401

Cedar Rapids

601 Eighth Avenue, S. E.
Phone: (319) 365-9474
Zip 52406

Centerville

105 West Van Buren
Phone: (515) 856-6371
Zip 52544

Charles City

703-B North Main
Phone: (515) 228-5136
Zip 50616

Clinton

232 - 4th Avenue, South
Phone: (319) 242-1703
Zip 52732

Council Bluffs

710 First Avenue
Phone: (712) 322-4054
Zip 51501

Creston

206 North Elm Street
Phone: (515) 782-2119
Zip 50801

Davenport

1129 Brady Street
Phone: (319) 322-5901
Zip 52803

Decorah

213 East Water Street
Phone: (319) 382-4606
Zip 52101

Des Moines

150 Des Moines Street
Phone: (515) 243-7661
Zip 50316

Dubuque

375 Main Street
Phone: (319) 583-8221
Zip 52001

Fairfield

51 West Washington Avenue
Phone: (515) 472-5466
Zip 52556

Fort Dodge

126 North 10th Street
Phone: (515) 576-3131
Zip 50501

Fort Madison

605 - 9th Street
Phone: (319) 372-4412
Zip 52627

Iowa City

22 East Court Street
Phone: (319) 351-1035
Zip 52240

Keokuk

1013 Main Street
Phone: (319) 524-1862
Zip 52632

Marshalltown

401 East Main Street
Phone: (515) 752-5405
Zip 50158

Mason City

202 First Street, N.W.
Phone: (515) 423-1133
Zip 50401

Muscatine

515 Cedar Street
Phone: (319) 263-3521
Zip 52761

Newton

200 First Street, South
Phone: (515) 792-5131
Zip 50208

Oelwein

9 First Avenue, N.E.
Phone: (319) 283-2751
Zip 50662

Oskaloosa

223 1st Avenue, East
Phone: (515) 673-3483
Zip 52577

*Ottumwa

Employment Service
119 North Washington
Phone: (515) 684-5401
Zip 52501

Ottumwa - Claims Office

216 Commercial Street
Phone: (515) 684-7479
Zip 52501

Perry

1218 Willis Avenue
Phone: (515) 465-3537
Zip 50220

Shenandoah

408 West Lowell Avenue
Phone: (712) 246-4470
Zip 51601

Sioux City

509-511 Douglas Street
Phone: (712) 258-0144
Zip 51101

Spencer

112 West 6th Street
Phone: (712) 262-1971
Zip 51301

Storm Lake

630 Geneseo Street
Phone: (712) 732-1576
Zip 50588

Waterloo

527 East 5th Street
Phone: (319) 235-1471
Zip 50705

Webster City

903 Willson Avenue
Phone: (515) 832-5261
Zip 50595

*By March 1, 1970 - 609 West Second, Zip 52501.

