

W. J. Kessen Feb. 1939

WORKER'S MANUAL

STATE OF IOWA
George A. Wilson, Governor
1939

UNEMPLOYMENT COMPENSATION

What It Is

How It Works

Who Is Eligible

Issued By
IOWA
UNEMPLOYMENT COMPENSATION
COMMISSION

1020 Locust Street, Des Moines, Iowa

Claude M. Stanley, Chairman
Employer Representative

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FOREWORD



This booklet is intended as a brief statement of the more important provisions of the Iowa Unemployment Compensation law, as amended in 1939, together with rulings and interpretations as of January 1, 1940.

The statements herein carry no force of law in themselves but may serve as a guide to the worker or other interested parties in so far as they do not conflict with any rule, regulation or interpretation of the Commission or of the courts.

Unemployment Compensation for Workers

Unemployment Compensation (or insurance) is a simple plan whereby a reserve fund is built up by levying a tax upon payrolls from which weekly benefits for loss of time are paid to eligible workers who become unemployed.

The worker does not contribute to unemployment insurance. The one per cent deducted from worker's wages is for Old Age Retirement at age sixty-five under the Social Security Law and bears no relation to unemployment insurance.

The State and Federal Law provides this protection and these benefits to workers under unemployment insurance. They are in no sense a charity. They belong to the worker. They are his by right. It matters not whether he is needy or well-to-do.

UNEMPLOYMENT COMPENSATION —WHO IS ELIGIBLE TO DRAW BENEFITS?

A worker to be eligible to receive benefits under the Unemployment Insurance Law must have been employed by an employer subject to the Law. Certain employment is exempted and wages earned in such employment would not be included in determining workers' rights to benefits.

Exempted employments are:

1. Agricultural labor.
2. Domestic service performed in a private home.
3. Work as an officer or member of the crew of a vessel.
4. Service performed for the United States, state, city, county or other political divisions.
5. Service performed for charitable and non-profit organizations, such as hospitals, foundations and the like.

6. Service performed in the employ of the worker's son, daughter, husband, or wife; service by a child under the age of twenty-one in the employ of his father or mother.
7. Service performed for a railroad company. (Now taken care of under the Federal Railroad Unemployment Insurance Act.)
8. Service performed during school vacations or outside of school hours by students who devote their time and efforts chiefly to their studies, rather than to incidental employment.

EMPLOYER LIABILITY

Employers who are engaged in business not exempted by any of the above exemptions and who employ eight or more individuals for some portion of a day in fifteen different weeks within a calendar year, are employers within the meaning of the Law. Such employers are liable for the payment of a tax amounting to three per cent upon their total payrolls. They are required to report at the end of each calendar quarter, to the Iowa Unemployment Compensation Commission, the name of each employee on the payroll of the company at any time during the quarter, together with his full name, social security account number, the amount of his earnings and his full-time weekly wage, (if same is determinable). This information is carefully compiled and kept by the Commission and is used later to ascertain and determine the exact status or eligibility of any worker who files for benefits.

Employers engaged in exempted employment as well as employers who do not have the required number of employees to make them liable may become subject to the Law by filing an application for voluntary coverage. In such case the employer becomes liable in the same manner as if he had eight or more employees. He pays the same contributions and all of his employees thus covered are afforded protection under unemployment insurance and may become eligible for benefits.

WHAT CONSTITUTES WAGES

"Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in

any medium other than cash. The reasonable cash value of all remuneration payable in any medium other than cash, shall be determined in accordance with rules prescribed by the Commission.

Thus, board and lodging, means of transportation, or anything of value received as part payment of wages, shall be given a reasonable cash value and considered as wages.

The Commission has ruled that board and lodging furnished, in addition to money wages, shall be deemed to have not less than the following values:

Meals per week	\$4.00
Meals per day70
Meals per meal:	
Breakfast20
Dinner25
Supper25
Lodging per week	2.50
Lodging per day40

The Commission has established the following wage scale to apply to all truck drivers who furnish their own trucks and pay all costs of operation, provided there is no prevailing wage established in the locality where the truck driver has his base of operations.

The wages of a truck driver shall be fifty-five per cent of the total remuneration received from his employer when using a truck having a load capacity of two ton or less; fifty per cent for a truck with a load capacity of over two ton and not more than three and one-half ton; and forty per cent when using a truck having a load capacity of more than three and one-half ton.

WORKERS' WAGE RECORDS

As a matter of protection, every worker should keep a record of his days and weeks of employment, together with his total earnings for each week, and name of employer and weekly or hourly wage. Employer payroll reports provide this information to the central office, however, there is always possibility of error and, in case of disputed claim, the worker's own record will provide additional evidence.

HOW TO FILE FOR BENEFITS

Application for benefits should be made at the nearest office of the Iowa State Employment Service. It is necessary that an applicant present his social security account number, as all compensation records are kept under these numbers, and if possible to get from the last employer a separate notice. This gives the date and reason for the loss of work. This should be presented along with the social security account number when registering for work and making application for benefits.

ORIGINAL AND CONTINUED CLAIMS

When a worker files his claim for benefits and registers for work at the state employment office, this is known as an original claim. He is required to return in seven days and renew his claim or file what is known as a continued claim, which certifies that he has served one waiting period week and is still unemployed. Each week thereafter he is required to report and file his continued claim. At the end of the third week, he certifies that he has been unemployed during the first compensable week. This certificate is mailed on the same day received to the central office in Des Moines where a check will be issued and mailed to the claimant.

ELIGIBILITY

1. In order to be eligible for benefits a worker must have earned within the first four of the last five completed calendar quarters an amount equal to fifteen times his weekly benefit amount (the benefit amount is usually one-half the former full-time weekly wage) while employed by an employer subject to the Law.
2. The worker must be unemployed, able to work, and available for work. He must be willing to accept suitable work if offered.
3. The worker must have registered for work and filed a claim for benefits in accordance with provisions of the Law at a state employment office.

WAITING PERIOD

Before a claimant can draw benefits he must have served a two-weeks' waiting period if the claim is

for total unemployment or four weeks if the claim is for partial unemployment. During this time the State Employment Service, where his application is on file, will have had time to obtain suitable work for the claimant, if any is available.

DETERMINATION OF CLAIM

During the waiting period the central office will have had time to verify all facts in regard to the claimant's work record and to determine whether his earnings, as reported by his employer in the quarterly payroll reports, are sufficient to entitle him to benefits, the amount of weekly benefits and the duration or length of time the benefits will be paid. If the full-time weekly wage has not been reported or cannot be readily determined then it shall be deemed to be one-thirteenth of the highest quarterly earnings in his base period.

This information is forwarded to the local employment office where the claimant has filed. In case it is determined no benefits are due, the cause for such determination is given. The claimant may examine the report and if he has cause to believe there is error, or if for any reason he may so desire, he has the right to file a protest. This protest will cause a re-examination of the work records in the central office for error or omission. The report is returned to the employment office and if the claimant is still dissatisfied with his "re-determination" he may file an appeal. In this case a hearing will be held by the Commission's Appeal Tribunal at the earliest date possible.

THE WEEKLY BENEFIT AMOUNT

The weekly benefit amount to which a worker is entitled who is totally unemployed and eligible is one-half of the full-time weekly wage he last earned in his base period but in no case shall the amount exceed \$15 for one week of total unemployment or less than \$5.00 or his full-time weekly wage, whichever is the lesser amount.

For Example: If a worker's full-time wage was \$20 per week this benefit amount would be \$10 per week. If a worker has earned less than

\$10 per week, the benefit amount will be \$5.00 unless the amount of earnings has been less than \$5.00 per week in which case the benefit amount will equal the former full-time wage. If the full-time weekly wage has not been reported to the central office or if it cannot be readily determined, it will be deemed to be one-thirteenth of the highest quarterly earnings in his base period.

BASE PERIOD

The amount to which an eligible claimant is entitled in benefits depends upon the amount he has received in wages in covered employment during his base period.

The base period is the first eight calendar quarters of the nine completed quarters immediately preceding the first day of his benefit year. Years are divided into calendar quarters as follows: The first quarter in each year includes January, February, and March; the second quarter includes April, May, and June; the third quarter includes July, August, and September; and the fourth quarter includes October, November, and December.

To find your base period, count the completed quarters that ended before the first week for which you filed a valid claim. The first eight of these nine quarters is the base period and your weekly benefit amount will be determined by the amount of your earnings in covered employment during that time.

For Example: If an eligible worker should file a claim for benefits any time during the second quarter of any year, let us say upon May 15, the last completed calendar quarter would be the first quarter of that year.

Counting back eight quarters from January 1, the base period would consist of the eight quarters which constitute the two calendar years preceding. If the claimant had filed May 15, 1939, his base period would consist of the eight quarters constituting the two calendar years, 1937 and 1938.

BENEFIT COMPENSATION

Worker's Quarterly Earnings Record

Qualifying period of eligibility.

First 4 of last 5 Completed quarters.

1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	5th Qtr.	6th Qtr.	7th Qtr.	8th Qtr.	9th Qtr.	Inc. Qtr.	Beginning of Benefit Year
(1)	\$264	264			240	312	312	240		
(2)		44	44		40	52	52			
(Total \$232)										

In order to be eligible for benefits the worker must have earned fifteen times his weekly benefit amount during the first four of the last five completed calendar quarters immediately preceding the week for which he claims benefits.

For Example: A worker has earned \$24 per week. Fifteen times \$12, (the weekly benefit amount of this worker) is \$180. This worker has earned this amount during this period and is therefore eligible.

Line (1) shows the wages earned each calendar quarter.

The first 8 of the last 9 completed quarters immediately preceding the first day of the benefit year constitutes the Base Period.

The weekly wage is the regular weekly wage, or in the event the regular weekly wage is not readily determinable, the weekly wage is one-thirteenth of the highest quarterly earnings in the base period. One-thirteenth of \$312 equals \$24.

The benefit amount is one-half of the weekly wage. One-half of \$24 is \$12.

Line (2) shows the amount credited to the worker's account which is one-sixth of the quarterly earnings or \$65 whichever is the lesser. The total of the amounts credited to this account equals \$232.

The amount credited to the worker's account in the Base Period divided by the weekly benefit amount equals the duration of benefit weeks. \$232 divided by \$12 equals 19 1/3 weeks. The Law provides, however, for a maximum of 15 benefit weeks within a year. Therefore, this worker is entitled to 15 weeks of benefits at \$12 per week, if he remains unemployed.

BENEFIT YEAR

The benefit year of a claimant means the fifty-two consecutive weeks period beginning with the day on which he filed a valid claim for benefits.

DISQUALIFICATION

A worker who leaves his job voluntarily or is discharged for misconduct, or who fails to accept suitable work when offered, or who is unemployed because of a labor dispute in which he is directly interested, is disqualified and denied benefits for a number of weeks, depending upon the cause for unemployment. The regular waiting period of two weeks must be completed in addition to the weeks of disqualification.

An individual shall be disqualified for benefits:

1. If he has left his work voluntarily without good cause attributable to his employer.
2. If he has been discharged for misconduct in connection with his employment, he shall be disqualified for the week in which he was discharged and for not less than the two nor more than the nine weeks which immediately follow such week (in addition to the waiting period) as determined by the Commission in each case, according to the circumstances and seriousness of the misconduct. The balance of such weekly benefits due shall be paid him.
3. If he fails without good cause either to apply for available or suitable work when so directed by the employment office or the Commission, or to accept suitable work when offered him, or to return to his customary self-employment.

SUITABLE WORK

Suitable work generally is considered to be that type of work to which a worker has been accustomed and for which his former training and experience has fitted him. In determining whether or not any work is suitable, the degree of risk involved shall be considered, also his physical fitness and prior training, his experience and earnings, his length of unemployment and prospects for securing local work in his customary occupation. Also the distance of the available work from his residence and any

other factor which bears a reasonable relation to the subject.

No work shall be deemed suitable and benefits shall not be denied to any otherwise eligible worker for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.
2. If the wages, hours, or other working conditions of the work offered are substantially less favorable than those prevailing for similar work in the locality.
3. If, as a condition of being employed, the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

LABOR DISPUTE

An individual shall be disqualified for benefits for any week with respect to which the Commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is, or was, last employed, provided that this shall not apply if it is shown to the satisfaction of the Commission that:

1. He is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; and
2. He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided that if in any case separate branches of work commonly conducted in separate departments of the same premises if each department shall be deemed to be a separate factory, establishment, or other premises.

APPEALS HEARINGS

When an appeal is filed, the Appeals Referee schedules a hearing as early as possible. The hearing is held in the city or town where the appeal is filed. Sometimes several appeals are determined at the same hearing or on the same evidence. The

claimant should be present. He may be represented by an attorney if he so desires. The Commission does not furnish attorneys for claimants, the fee charged by such attorney or agent is paid by the claimant, and the amount of such fee must be approved by the Commission. The claimant gives his evidence, the records are placed in evidence, and the case reviewed and determined upon its merits and in accordance with the law as it applies to the case.

After the Appeals Tribunal has afforded all interested parties a reasonable opportunity for a fair hearing, it shall promptly affirm or modify the initial determination with respect to the claim, and shall promptly notify the interested parties of the decision and the reason therefor.

In order to assure the worker, as well as other interested parties, ample opportunity for a fair consideration of a claim, the Law further provides for a review. If the claimant or other interested parties are dissatisfied with the decision of the Appeal Tribunal on the hearing of the claim, a review may be requested within ten days from the date of the decision on the hearing of the claim. The Commission will then conduct a further hearing and investigation of the facts with respect to the claim, whereupon the findings of the Appeal Tribunal will either be affirmed, modified, or reversed and the interested parties notified of the decision or review. The decision of the Commission on review of the claim becomes final ten days after the date of notification or mailing of such decision.

If any party is dissatisfied with the decision of the Commission on the review of a claim, an appeal may be taken to the district court within ten days after the decision on review of the claim becomes final.

PARTIAL UNEMPLOYMENT

A worker who because of less than full time hours earns less than his benefit amount plus \$2.00 is deemed to be partially unemployed.

For Example: A worker when working full time earns \$20 per week. In this case his benefit amount (one-half the full time weekly wage) would be \$10. If the worker because of shortened hours, earns less than \$10 plus \$2.00 or \$12, he would be partially unemployed.

The amount of benefits to which a partially unemployed worker is entitled in any week shall be an amount which, if added to his earnings for such week, would exceed his full time weekly benefit amount by \$2.00, but not to exceed \$15 in any week.

The following chart illustrates how the amount of benefits is determined for workers who are partially unemployed and who report some earnings from odd jobs.

Weekly benefit amount if totally unemployed	Worker is partially unemployed if earnings less than	Amount earned while partially employed	Earned in odd jobs	Entitled to benefits in the amount of
\$10	\$12	\$ 9		\$3
10	12	6	\$1	5
10	12	6	5	1
10	12	12		0
10	12	3		9

SHOULD FILE IMMEDIATELY

A worker who becomes partially unemployed should not delay filing for benefits, but should file immediately. Inasmuch as the benefit year starts with the filing of a valid claim and four weeks waiting period must elapse before benefits become payable, there is danger that a worker by reason of delay may lose part or all of the benefits to which he may be entitled by delaying the time of filing. It is to the worker's advantage to file his claim and get his benefit year established as soon as possible after becoming partially unemployed.

SOCIAL SECURITY NUMBER

Get one and only one Social Security Account number. Always on accepting a new job report your social security number to your employer. He must have this number in reporting your earnings to the Unemployment Compensation office. If he is unable to report your earnings under your social security number there is always likelihood of error.

WARNING

Do not accept hearsay or unauthorized statements in regard to your unemployment benefits. If, after reading this booklet you have reasonable cause to believe you are entitled to either total or partial benefits go immediately to your nearest employment office or itinerant service and consult the claims deputy. He will in most cases be able to inform you without delay.

You need not employ any individual to assist you in securing your rights to benefits. The employment office deputy will take your claim and give you all necessary information.

The best assistance you can have is full and correct statements of fact in regard to your employment record. Be careful of false statements, and do not under any circumstances accept benefits obtained by misrepresentation. This is an offense and carries a severe penalty.

MULTI-STATE CLAIMS

If you file a claim in Iowa and change your residence to another state you may continue your claim through the nearest office of the Employment Service in that state.

STATE EMPLOYMENT SERVICE OFFICES

Upon becoming unemployed the important thing is to find another job. To this end the State Employment Service maintains offices in thirty-two principal cities in Iowa and an itinerant service reaching into every county. A worker should report immediately to the employment office where efficient and effective job finding service will be available at no cost and where claims for benefits may be filed.

Following is a list of the offices of the State Employment Service. Make use of the office nearest your residence.

Algona	Fort Dodge
Ames	Fort Madison
Boone	Iowa City
Burlington	Keokuk
Cedar Rapids	Marshalltown
Centerville	Mason City
Charles City	Muscatine
Cherokee	Newton
Clinton	Oelwein
Council Bluffs	Oskaloosa
Creston	Ottumwa
Davenport	Shenandoah
Decorah	Sioux City
Des Moines	Spencer
Dubuque	Waterloo
Fairfield	Webster City

ITINERANT SERVICE

If you do not reside in or near any of the above listed employment offices you may wish to make use of the itinerant service. For your convenience this service is provided in at least one point in every county. Offices are usually in the county court house, city hall or other conveniently located public building.

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Miller Building /
Des Moines, Iowa

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