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## Unemployment Insurance

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**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS**

The Attorney General has summarized the proposed Amendment, as follows:—

**UNEMPLOYMENT INSURANCE.** Initiative Constitutional Amendment. Requires unemployed employee be paid Ten Dollars weekly unemployment indemnity, and Three Dollars for dependent wife and each dependent minor child, deducting therefrom other income received. Creates Unemployment Insurance Board, provides for State Employment Bureau, and prescribes their respective functions. To pay indemnities, salaries and expenses, creates Unemployment Insurance Fund derived from taxes on yearly incomes exceeding Five Thousand Dollars, inheritance taxes, contributions, State General Fund whenever necessary and sources established by legislation. Authorizes Board to determine validity of Indemnity claims, and review thereof by Supreme and Appellate Courts. Defines terms used, and prescribes penalties.

STATE OF CALIFORNIA, }  
County (or City and County of) ..... } ss.

**TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA:**

We, the undersigned, registered, qualified electors of the State of California, residents of.....

.....County (or City and County) present to the Secretary of State, this petition, and hereby propose that the following measure be submitted to the electors of the State of California, for their adoption or rejection, at the next succeeding general election or as provided by law.

The people of the State of California do enact as follows:

**ARTICLE XXIV.**

**SCOPE AND INTENT:**

The purpose of this Unemployment Insurance Constitutional Amendment, is to create and enforce unemployment insurance to save the unemployed workmen and employees from extreme want and destitution; to relieve said workmen, employees and their dependents from extreme suffering, due to unemployment; creating a California Unemployment Insurance Board and to provide for the establishment of employment Bureaus, which said Bureau is to assist the unemployed and partially employed in obtaining employment for them and reducing unemployment, and to facilitate the said Board in carrying out the intent and purpose of this Amendment; establishing a California Unemployment Insurance Fund and designating the sources from which the said fund shall draw its revenue. The Indemnity to be paid to the unemployed and conditions and regulations for such payment and directing legislation for establishing and maintaining such a fund or funds for the purpose of this Amendment, in no way limiting or restricting either of the provisions of this Amendment or the powers herein reserved or the benefits conferred, anything in the Constitution to the contrary notwithstanding.

**DEFINITION:**

As used in this Amendment "Employment" means any work or services for hire within the State.

"Employer" means any person, partnership, association, corporation and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association or corporation, employing any employees, including the state and all municipal corporations or other political sub-divisions thereof.

"Employee" means every person in the service of any employer within the state, under any contract of hire, for labor or services, manual or otherwise, express or implied, oral or written, and all helpers and assistants of employees, whether paid by employer or employee, if employed with the knowledge of the employer.

Employee unemployed, "he" or "his", shall refer to both male or female.

"Board" means the California Unemployment Insurance Board established by this Constitutional Amendment or a majority thereof.

"Bureau" means the labor bureau established in conjunction with the California Unemployment Insurance Board by this Amendment.

"Fund" means the California Unemployment Insurance Fund established by this Amendment.

"Indemnity" means the sums of money payable to the unemployed as provided by this Amendment.

**INDEMNITY:**

Indemnity shall be payable to employees for each week of unemployment after a waiting period of one (1) week.

Unemployment Indemnity shall amount to Ten (\$10.00) dollars, per week, if the unemployed is a single person.

An unemployed shall receive additional indemnity, amounting to Three (\$3.00) dollars per week while he has a wife who is dependent upon him and with whom he is living, and an additional amount of Three (\$3.00) dollars per week for each minor child living with him and dependent upon him.

An employee whose employment is reduced to such an extent that his weekly wage is less than the amount of the full indemnity to which he would be entitled, if he were totally unemployed, shall receive indemnity in such amount which, when added to his wages, will bring up his income for the week to the amount of such full minimum indemnity.

If an unemployed is in receipt of an income from property (or any other source) the amount of such income shall be deducted from the indemnity to which he shall be entitled under this Amendment.

# INITIATIVE MEASURE PROVIDING FOR UNEMPLOYMENT INSURANCE

Benefits under this Amendment shall not be assignable and shall be exempt from levy under execution or attachment, and such exemption can not be waived.

## WAITING PERIOD:

The waiting period shall commence on the day when the employee registers as unemployed in the office of the Employment Bureau or any agency of the same nearest to his place of employment.

## EMPLOYEES ENTITLED TO INDEMNITY:

Unemployment insurance indemnity shall be paid to an employee only:

If his employment within one year prior to the date of his first application has been located in this State;

If he is capable of and available for employment, has duly made application for work to the Bureau and has been unable to obtain employment in his usual employment, or in another employment for which he is reasonably fitted. But an employee shall not be required to accept employment if there is a strike or lockout in the establishment in which employment is offered to him or her, or if such employment is at an unreasonable distance from his or her residence; or, if the wages offered are lower than the wages prevailing for similar work in the place of employment; or, if the work offered is not suitable to the employee, having regard to the character of the work which he is accustomed to do.

Sickness shall not disqualify the applicant from receiving the benefits under this Amendment.

## CALIFORNIA UNEMPLOYMENT INSURANCE BOARD:

There is hereby created a California Unemployment Insurance Board, which shall consist of five (5) members, to be appointed by the Governor of the State of California, not later than thirty (30) days after the adoption of this Amendment; and that at least three (3) of said five members shall be members of organized labor and the said Board shall be designated as "The California Unemployment Insurance Board"; the five members so appointed shall select their own Chairman and Secretary from among the members of the said Board.

The Unemployment Insurance Board shall administer and carry into effect the provisions of this Amendment and shall have power to make all rules and regulations and all appointments which are necessary for the enforcement of this Amendment.

The Board shall likewise have power to appoint similar local boards to facilitate and promote the effective administration of this Amendment.

## EMPLOYMENT BUREAU:

The Board shall immediately upon its constitution and organization, establish a California State Employment Bureau under the direction of a competent Director.

The functions of the Bureau shall be to consolidate and supercede all existing State and local Employment Bureaus or offices; to cooperate with such Federal employment agencies as now exist or may hereafter be established; to establish rules and regulations and to provide proper forms for the registration of unemployed employees, in the State, seeking employment and employers seeking employees; to secure suitable employment for unemployed employees wherever possible; to keep and publish records and statistics of employment and unemployment in the State; and to perform such other functions as may tend to stimulate or regularize employment in the State.

The Bureau shall have power to make its own administrative rules and regulations, subject to the approval of the Board, and with the like approval of the Board, to establish branch offices in the various parts of the State.

Members of the Board shall receive an annual salary of Five Thousand (\$5,000.00) dollars. The salaries or per diem compensation of the members of Local Boards and directors or managers of local employment bureaus, shall be fixed by the Board. The necessary traveling and other expenses of the members of the Board and of the Local Boards and other offices and employees of such Boards and of the Bureau and Local Bureaus shall be paid from the funds of the Board, upon vouchers approved by the Chairman of the Board.

## UNEMPLOYMENT INSURANCE FUND:

There is hereby created a fund to be known as the "California Unemployment Insurance Fund," for the purpose of assuring to persons entitled thereto, the indemnity provided by this Amendment and covering all salaries, administrative and other expenses connected with such administration of this Amendment.

Such funds shall consist of moneys contributed by the State, collected as follows:

By imposing taxes on incomes exceeding the sum of Five Thousand (\$5,000.00) dollars per year,

Moneys collected from inheritance taxes,

Moneys contributed by Counties, Municipalities or individual or corporate gifts,

Moneys from the State General Fund, whenever necessary, or from such other and additional sources that may be established by legislation.

# INITIATIVE MEASURE PROVIDING FOR UNEMPLOYMENT INSURANCE

Such fund shall be administered by the Board. The State Treasurer shall be the custodian of the said Fund and may deposit any portion of the same, not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of other State funds by him. Moneys from the Fund are to be paid out by the Treasurer, upon vouchers from the Chairman and Secretary of the Board.

## DETERMINATION OF DISPUTED CLAIMS:

The validity of all claims for unemployment insurance shall, in the first instance, be passed upon by the officer of the State Board or the Local District Board, charged with the duty of receiving and examining such claims.

If such officer shall reject the claim, he shall immediately notify the applicant of such rejection and of the reasons thereof. The applicant, upon such rejection of his claim, shall have the right to appeal to the California Unemployment Insurance Board. All forms, blanks and applications to carry this Amendment into effect, including appeals, shall be printed and furnished free of charge to the applicant. From the decision of such Board, Review shall lie to the Courts, as hereinafter stated.

The Boards, herein provided for the purpose of hearing and determining claims to unemployment insurance, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but shall make investigations and inquiries and conduct hearings in such manner as to ascertain the substantial rights of the parties.

## RECORDS OF EMPLOYERS:

Every employer shall keep a true and accurate record of the names of all his employees, and the wages paid to them, and shall furnish to the Board, upon demand, a sworn statement of the same. Such records shall be open to inspection of the Board at any time and as often as may be necessary to verify the number of employees and the amount of the payroll.

## PENALTIES:

Any person who wilfully:

Makes a false statement or representation with respect to any section or part of this Amendment,

Fails to keep a record of his employees and payroll or falsifies such record,

shall be guilty of a misdemeanor, and shall be punished by a fine of Five Hundred (\$500.00) dollars, or by imprisonment in the County jail for a period of six (6) months, or by both such fine and imprisonment.

## REVIEW:

Within Sixty (60) days after the decision by the Board any party affected thereby may apply to the Supreme Court of this State, or to the District Court of Appeal of the Appellate District in which such person resides, for a Writ of Certiorari or Review, hereinafter referred to as a writ of review, for the purpose of having the lawfulness of the original order, rule, regulation, decision or award inquired into and determined.

Such writ shall be made returnable not later than thirty (30) days after the date of the issuance thereof, and shall direct the Board to certify its record in the case to the Court. On the return day, the cause shall be heard in the Court, unless for good cause the same be continued. No new or additional evidence may be introduced in such Court, but the cause shall be heard on the record of the Board, as certified to by it. The Review shall not be extended further than to determine whether:

The Board acted without or in excess of its powers.

The order, decision or award was procured by fraud,

The order, decision, rule or regulation was unreasonable.

If findings of fact are made whether such findings of fact support the order, decision or award under review.

Upon the hearing, the Court shall enter judgment, either affirming or setting aside the order, decision or award or may remand the case for further proceedings before the Board.

The provisions of the Code of Civil Procedure of this State, relating to writs of review, shall, so far as applicable, and not in conflict with this amendment, apply to proceedings in the Courts under the provisions of this section. No Court of this State, except the Supreme Court and the District Courts of Appeal, to the extent herein specified, shall have jurisdiction to review, reverse, correct or annul any order, rule, regulation, decision or award of the Board, or to suspend or delay the operation or execution thereof, or to restrain, enjoin or interfere with the Board in the performance of its duties; provided, that a writ of Mandamus shall lie from the Supreme Court or the District Courts of Appeal, in all proper cases.

This Amendment is self-executing.

The Legislature is directed to pass all additional necessary laws to facilitate its operation, in no way limiting or restricting either of the provisions of this Amendment or the powers herein reserved or the benefits conferred.

This Amendment is self-operative, anything in the Constitution to the contrary, notwithstanding.