



February 16, 1999

HOUSE BILL No. 1818

DIGEST OF HB1818 (Updated February 11, 1999 3:39 pm - DI 96)

Citations Affected: IC 22-4; noncode.

Synopsis: Unemployment compensation. Provides that a person who has left a job for a higher paying job is not automatically disqualified from receiving unemployment insurance benefits if the person is separated from employment in the second job without just cause. (Current law provides that a person is automatically disqualified unless the person has been employed at the second job for at least ten weeks.) Provides that an employee who is discharged for a violation of an attendance policy is not considered to have been discharged for just cause if the employee can show good cause for the absences or tardiness. Provides that "good cause" includes: (1) compelling family obligations of the individual; (2) sexual harassment of the individual
(Continued next page)

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Labor and Employment.
February 15, 1999, reported — Do Pass.

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in connection with the individual's employment; and (3) financial inability of the individual to maintain two separate places of residence.

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HB 1818—LS 7704/DI 94+



February 16, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1818

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-4-15-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) With respect to
3 benefit periods established on and after July 6, 1980, an individual who
4 has voluntarily left his employment without good cause in connection
5 with the work or who was discharged from his employment for just
6 cause is ineligible for waiting period or benefit rights for the week in
7 which the disqualifying separation occurred and until he has earned
8 remuneration in employment equal to or exceeding the weekly benefit
9 amount of his claim in each of eight (8) weeks. If the qualification
10 amount has not been earned at the expiration of an individual's benefit
11 period, the unearned amount shall be carried forward to an extended
12 benefit period or to the benefit period of a subsequent claim.
13 (b) When it has been determined that an individual has been
14 separated from employment under disqualifying conditions as outlined
15 in this section, the maximum benefit amount of his current claim, as

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1 initially determined, shall be reduced by twenty-five percent (25%). If
 2 twenty-five percent (25%) of the maximum benefit amount is not an
 3 even dollar amount, the amount of such reduction will be raised to the
 4 next higher even dollar amount. When twenty-five percent (25%) of the
 5 maximum benefit amount, as initially determined, exceeds the unpaid
 6 balance remaining in the claim, such reduction will be limited to the
 7 unpaid balance.

8 (c) The disqualifications provided in this section shall be subject to
 9 the following modifications:

10 (1) An individual shall not be subject to disqualification because
 11 of separation from his prior employment if:

12 (A) he left to accept with another employer previously secured
 13 permanent full-time work which offered reasonable
 14 expectation of betterment of wages or working conditions and
 15 thereafter was ~~employed on said job for not less than ten (10)~~
 16 ~~weeks; discharged from employment without just cause (as~~
 17 ~~defined in subsection (e));~~

18 (B) having been simultaneously employed by two (2)
 19 employers, he leaves one (1) such employer voluntarily
 20 without good cause in connection with the work but remains
 21 in employment with the second employer with a reasonable
 22 expectation of continued employment; or

23 (C) he left to accept recall made by a base-period employer.

24 (2) An individual whose unemployment is the result of medically
 25 substantiated physical disability and who is involuntarily
 26 unemployed after having made reasonable efforts to maintain the
 27 employment relationship shall not be subject to disqualification
 28 under this section for such separation.

29 (3) An individual who left work to enter the armed forces of the
 30 United States shall not be subject to disqualification under this
 31 section for such leaving of work.

32 (4) An individual whose employment is terminated under the
 33 compulsory retirement provision of a collective bargaining
 34 agreement to which the employer is a party, or under any other
 35 plan, system, or program, public or private, providing for
 36 compulsory retirement and who is otherwise eligible shall not be
 37 deemed to have left his work voluntarily without good cause in
 38 connection with the work. However, if such individual
 39 subsequently becomes reemployed and thereafter voluntarily
 40 leaves work without good cause in connection with the work, he
 41 shall be deemed ineligible as outlined in this section.

42 (5) An otherwise eligible individual shall not be denied benefits

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1 for any week because he is in training approved under Section
 2 236(a)(1) of the Trade Act of 1974, nor shall the individual be
 3 denied benefits by reason of leaving work to enter such training,
 4 provided the work left is not suitable employment, or because of
 5 the application to any week in training of provisions in this law
 6 (or any applicable federal unemployment compensation law),
 7 relating to availability for work, active search for work, or refusal
 8 to accept work. For purposes of this subdivision, the term
 9 "suitable employment" means with respect to an individual, work
 10 of a substantially equal or higher skill level than the individual's
 11 past adversely affected employment (as defined for purposes of
 12 the Trade Act of 1974), and wages for such work at not less than
 13 eighty percent (80%) of the individual's average weekly wage as
 14 determined for the purposes of the Trade Act of 1974.

15 (6) An individual is not subject to disqualification because of
 16 separation from the individual's prior employment if:

17 (A) the prior employment was outside the individual's labor
 18 market;

19 (B) the individual left to accept previously secured full-time
 20 work with an employer in the individual's labor market; and

21 (C) the individual actually became employed with the
 22 employer in the individual's labor market.

23 (7) An individual who, but for the voluntary separation to move
 24 to another labor market to join a spouse who had moved to that
 25 labor market, shall not be disqualified for that voluntary
 26 separation, if the individual is otherwise eligible for benefits.
 27 Benefits paid to the spouse whose eligibility is established under
 28 this subdivision shall not be charged against the employer from
 29 whom the spouse voluntarily separated.

30 As used in this subsection, "labor market" means the area surrounding
 31 an individual's permanent residence, outside which the individual
 32 cannot reasonably commute on a daily basis. In determining whether
 33 an individual can reasonably commute under this subdivision, the
 34 department shall consider the nature of the individual's job.

35 (d) **As used in this section, "good cause" includes the following:**

36 (1) **Compelling family obligations of the individual.**

37 (2) **Sexual harassment of the individual in connection with the**
 38 **individual's employment.**

39 (3) **Financial inability of the individual to maintain two (2)**
 40 **separate places of residence.**

41 (e) "Discharge for just cause" as used in this section is defined to
 42 include but not be limited to:



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- 1 (1) separation initiated by an employer for falsification of an
- 2 employment application to obtain employment through
- 3 subterfuge;
- 4 (2) knowing violation of a reasonable and uniformly enforced rule
- 5 of an employer;
- 6 (3) unsatisfactory attendance, if **including a violation of a**
- 7 **reasonable and uniformly enforced attendance rule of an**
- 8 **employer, unless** the individual ~~cannot~~ **can** show good cause for
- 9 absences or tardiness;
- 10 (4) damaging the employer's property through willful negligence;
- 11 (5) refusing to obey instructions;
- 12 (6) reporting to work under the influence of alcohol or drugs or
- 13 consuming alcohol or drugs on employer's premises during
- 14 working hours;
- 15 (7) conduct endangering safety of self or coworkers; or
- 16 (8) incarceration in jail following conviction of a misdemeanor or
- 17 felony by a court of competent jurisdiction or for any breach of
- 18 duty in connection with work which is reasonably owed an
- 19 employer by an employee.

20 SECTION 2. [EFFECTIVE JULY 1, 1999] **This act applies to**
21 **claims for benefits that are made after June 30, 1999.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1818, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 7, nays 6.

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