

SENATE BILL No. 546

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4.

Synopsis: Unemployment insurance computations. Changes the base period for computation of unemployment benefits to the last four completed calendar quarters. (Current law provides that the base period for computation of unemployment benefits is the first four of the last five calendar quarters.) Increases the earnings base used to compute unemployment compensation to a maximum of \$10,000 in a calendar quarter. (Current law provides that the earnings base used to compute unemployment compensation may not exceed \$5,800.) Provides that the maximum total amount of unemployment compensation benefits payable to an individual during a benefit period may not exceed 26 times the individual's weekly benefit, or 32% of the individual's wage
(Continued next page)

Effective: July 1, 1999.

Blade, Young R

January 20, 1999, read first time and referred to Committee on Pensions and Labor.

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credits with respect to the individual's base period, whichever is less. (Current law provides that the maximum total amount of unemployment compensation benefits payable to an individual during a benefit period may not exceed 26 times the individual's weekly benefit, or 28% of the individual's wage credits with respect to the individual's base period, whichever is less.) Decreases the minimum wage credit necessary to qualify for unemployment compensation to \$2,000 in the base period, and requires the total wage credits in the base period to equal at least 1.25 times the wages paid in the highest quarter. (Current law requires \$2,750 in the base period with \$1,650 in the last two quarters of the base period, and requires the total wage credits in the base period to equal or exceed 1.25 times the wages in the highest quarter.)

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Introduced

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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SENATE BILL No. 546



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 22-4-2-12 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. "Base period"
- 3 means the ~~first four (4) of the last five (5)~~ **four (4)** completed calendar
- 4 quarters immediately preceding the first day of an individual's benefit
- 5 period. ~~Provided, However, That~~ for a claim computed in accordance
- 6 with IC ~~1971~~, 22-4-22, the base period shall be the base period as
- 7 outlined in the paying state's law.
- 8 SECTION 2. IC 22-4-4-3 IS AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) For calendar quarters
- 10 beginning on and after April 1, 1979, and before April 1, 1984, "wage
- 11 credits" means remuneration paid for employment by an employer to
- 12 an individual. Wage credits may not exceed three thousand six hundred
- 13 sixty-six dollars (\$3,666) and may not include payments specified in
- 14 section 2(b) of this chapter.
- 15 (b) For calendar quarters beginning on and after April 1, 1984, and



1 before April 1, 1985, "wage credits" means remuneration paid for
2 employment by an employer to an individual. Wage credits may not
3 exceed three thousand nine hundred twenty-six dollars (\$3,926) and
4 may not include payments specified in section 2(b) of this chapter.

5 (c) For calendar quarters beginning on and after April 1, 1985, and
6 before January 1, 1991, "wage credits" means remuneration paid for
7 employment by an employer to an individual. Wage credits may not
8 exceed four thousand one hundred eighty-six dollars (\$4,186) and may
9 not include payments specified in section 2(b) of this chapter.

10 (d) For calendar quarters beginning on and after January 1, 1991,
11 and before July 1, 1995, "wage credits" means remuneration paid for
12 employment by an employer to an individual. Wage credits may not
13 exceed four thousand eight hundred ten dollars (\$4,810) and may not
14 include payments specified in section 2(b) of this chapter.

15 (e) For calendar quarters beginning on and after July 1, 1995, and
16 before July 1, 1997, "wage credits" means remuneration paid for
17 employment by an employer to an individual and remuneration
18 received as tips or gratuities in accordance with Sections 3301 and
19 3102 et seq. of the Internal Revenue Code. Wage credits may not
20 exceed five thousand dollars (\$5,000) and may not include payments
21 specified in section 2(b) of this chapter.

22 (f) For calendar quarters beginning on and after July 1, 1997, and
23 before July 1, 1998, "wage credits" means remuneration paid for
24 employment by an employer to an individual and remuneration
25 received as tips or gratuities in accordance with Sections 3301 and
26 3102 et seq. of the Internal Revenue Code. Wage credits may not
27 exceed five thousand four hundred dollars (\$5,400) and may not
28 include payments specified in section 2(b) of this chapter.

29 (g) For calendar quarters beginning on and after July 1, 1998, and
30 before July 1, 1999, "wage credits" means remuneration paid for
31 employment by an employer to an individual and remuneration
32 received as tips or gratuities in accordance with Sections 3301 and
33 3102 et seq. of the Internal Revenue Code. Wage credits may not
34 exceed five thousand six hundred dollars (\$5,600) and may not include
35 payments that are excluded from the definition of wages under section
36 2(b) of this chapter.

37 (h) For calendar quarters beginning on and after July 1, 1999, **and**
38 **before July 1, 2000**, "wage credits" means remuneration paid for
39 employment by an employer to an individual and remuneration
40 received as tips or gratuities in accordance with Sections 3301 and
41 3102 et seq. of the Internal Revenue Code. Wage credits may not
42 exceed five thousand eight hundred dollars (\$5,800) and may not

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1 include payments that are excluded from the definition of wages under
2 section 2(b) of this chapter.

3 **(i) For calendar quarters beginning on and after July 1, 2000,**
4 **"wage credits" means remuneration paid for employment by an**
5 **employer to an individual and remuneration received as tips or**
6 **gratuities in accordance with Sections 3301 and 3102 et seq. of the**
7 **Internal Revenue Code. Wage credits may not exceed ten thousand**
8 **dollars (\$10,000) and may not include payments that are excluded**
9 **from the definition of wages under section 2(b) of this chapter.**

10 SECTION 3. IC 22-4-12-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Benefits shall be
12 computed upon the basis of wage credits of an individual in ~~his~~ **the**
13 **individual's** base period. Wage credits shall be reported by the
14 employer and credited to the individual in the manner prescribed by the
15 board. With respect to initial claims filed for any week beginning on
16 and after July 4, 1959, and before July 7, 1991, the maximum total
17 amount of benefits payable to any eligible individual during any benefit
18 period shall not exceed twenty-six (26) times ~~his~~ **the individual's**
19 weekly benefit, or twenty-five percent (25%) of ~~his~~ **the individual's**
20 wage credits with respect to ~~his~~ **the individual's** base period,
21 whichever is ~~the lesser~~ **less**.

22 **(b)** With respect to initial claims filed for any week beginning on
23 and after July 7, 1991, **and before July 1, 1999**, the maximum total
24 amount of benefits payable to any eligible individual during any benefit
25 period shall not exceed twenty-six (26) times the individual's weekly
26 benefit, or twenty-eight percent (28%) of the individual's wage credits
27 with respect to the individual's base period, whichever is less. If such
28 maximum total amount of benefits is not a multiple of one dollar (\$1),
29 it shall be computed to the next lower multiple of one dollar (\$1).

30 **(c)** With respect to initial claims filed for any week beginning on
31 and after July 1, 1999, the maximum total amount of benefits
32 payable to any eligible individual during any benefit period may
33 not exceed twenty-six (26) times the individual's weekly benefit, or
34 thirty-two percent (32%) of the individual's wage credits with
35 respect to the individual's base period, whichever is less. If the
36 maximum total amount of benefits is not a multiple of one dollar
37 (\$1), it shall be computed to the next lower multiple of one dollar
38 (\$1).

39 ~~(b)~~ **(d)** The total extended benefit amount payable to any eligible
40 individual with respect to ~~his~~ **the individual's** applicable benefit period
41 shall be fifty percent (50%) of the total amount of regular benefits
42 (including dependents' allowances) which were payable to ~~him~~ **the**



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1 **individual** under this article in the applicable benefit year, or thirteen
 2 (13) times the weekly benefit amount (including dependents'
 3 allowances) which was payable to ~~him~~ **the individual** under this article
 4 for a week of total unemployment in the applicable benefit year,
 5 whichever is ~~the lesser amount less~~.

6 ~~(c)~~ (e) This subsection applies to individuals who file a disaster
 7 unemployment claim or a state unemployment insurance claim after
 8 June 1, 1990, and before June 2, 1991, or during another time specified
 9 in another state statute. An individual is entitled to thirteen (13) weeks
 10 of additional benefits, as originally determined, if:

11 (1) the individual has established:

12 (A) a disaster unemployment claim under the Stafford Disaster
 13 Relief and Emergency Assistance Act; or

14 (B) a state unemployment insurance claim as a direct result of
 15 a major disaster;

16 (2) all regular benefits and all disaster unemployment assistance
 17 benefits:

18 (A) have been exhausted by the individual; or

19 (B) are no longer payable to the individual due to the
 20 expiration of the disaster assistance period; and

21 (3) the individual remains unemployed as a direct result of the
 22 disaster.

23 SECTION 4. IC 22-4-14-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) As further
 25 conditions precedent to the payment of benefits to an individual with
 26 respect to benefit periods established on and after July 6, 1980, and
 27 before July 7, 1985:

28 (1) the individual must have established, after the last day of ~~his~~
 29 **the individual's** last base period, if any, wage credits (as defined
 30 in IC 22-4-4-3) and within the meaning of IC 22-4-22-3 equal to
 31 at least one and one-quarter (1.25) times the wages paid to ~~him~~
 32 **the individual** in the calendar quarter in which ~~his~~ **the**
 33 **individual's** wages were highest; and

34 (2) the individual must have established wage credits in the last
 35 two (2) calendar quarters of ~~his~~ **the individual's** base period in a
 36 total amount of not less than nine hundred dollars (\$900) and an
 37 aggregate amount in the four (4) calendar quarters of ~~his~~ **the**
 38 **individual's** base period of not less than one thousand five
 39 hundred dollars (\$1,500).

40 (b) As further conditions precedent to the payment of benefits to an
 41 individual with respect to benefit periods established on and after July
 42 7, 1985, and before January 1, 1992:



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1 (1) the individual must have established, after the last day of the
 2 individual's last base period, if any, wage credits (as defined in
 3 IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at
 4 least one and one-half (1.5) times the wages paid to the individual
 5 in the calendar quarter in which the individual's wages were
 6 highest; and

7 (2) the individual must have established wage credits in the last
 8 two (2) calendar quarters of the individual's base period in a total
 9 amount of not less than one thousand five hundred dollars
 10 (\$1,500) and an aggregate amount in the four (4) calendar
 11 quarters of the individual's base period of not less than two
 12 thousand five hundred dollars (\$2,500).

13 (c) As further conditions precedent to the payment of benefits to an
 14 individual with respect to benefit periods established on and after
 15 January 1, 1992, and before July 1, 1995:

16 (1) the individual must have established, after the last day of the
 17 individual's last base period, if any, wage credits (as defined in
 18 IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at
 19 least one and one-quarter (1.25) times the wages paid to the
 20 individual in the calendar quarter in which the individual's wages
 21 were highest; and

22 (2) the individual must have established wage credits in the last
 23 two (2) calendar quarters of the individual's base period in a total
 24 amount of not less than one thousand five hundred dollars
 25 (\$1,500) and an aggregate in the four (4) calendar quarters of the
 26 individual's base period of not less than two thousand five
 27 hundred dollars (\$2,500).

28 (d) As further conditions precedent to the payment of benefits to an
 29 individual with respect to benefit periods established on and after July
 30 1, 1995, **and before July 1, 1999:**

31 (1) the individual must have established, after the last day of the
 32 individual's last base period, if any, wage credits (as defined in
 33 IC 22-4-4-3 and within the meaning of IC 22-4-22-3) equal to at
 34 least one and one-quarter (1.25) times the wages paid to the
 35 individual in the calendar quarter in which the individual's wages
 36 were highest; and

37 (2) the individual must have established wage credits in the last
 38 two (2) calendar quarters of the individual's base period in a total
 39 amount of not less than one thousand six hundred fifty dollars
 40 (\$1,650) and an aggregate in the four (4) calendar quarters of the
 41 individual's base period of not less than two thousand seven
 42 hundred fifty dollars (\$2,750).



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1 (e) As further conditions precedent to the payment of benefits
2 to an individual with respect to benefit periods established on and
3 after July 1, 1999:

4 (1) the individual must have established, after the last day of
5 the individual's last base period, if any, wage credits (as
6 defined in IC 22-4-4-3 and within the meaning of
7 IC 22-4-22-3) equal to at least one and one-quarter (1.25)
8 times the wages paid to the individual in the calendar quarter
9 in which the individual's wages were highest; and

10 (2) the individual must have established wage credits in an
11 aggregate in the four (4) calendar quarters of the individual's
12 base period of not less than two thousand dollars (\$2,000).

13 (e) (f) As a further condition precedent to the payment of benefits
14 to an individual with respect to a benefit year established on and after
15 July 1, 1995, an insured worker may not receive benefits in a benefit
16 year unless after the beginning of the immediately preceding benefit
17 year during which the individual received benefits, the individual
18 performed insured work and earned wages in employment under
19 IC 22-4-8 in an amount not less than the individual's weekly benefit
20 amount established for the individual in the preceding benefit year in
21 each of eight (8) weeks.

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