

HOUSE BILL No. 1790

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-4-11-1; IC 22-4-12-4.

Synopsis: Computation of unemployment insurance benefits. Provides that the maximum total amount of unemployment compensation benefits payable to an individual during any benefit period shall not exceed 26 times the individual's weekly benefit, or 32% of the individual's wage 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 any benefit period shall 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.) Makes a conforming change.

Effective: July 1, 1999.

Liggett

January 26, 1999, read first time and referred to Committee on Labor and Employment.

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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.

HOUSE BILL No. 1790

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 22-4-11-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) For the purpose
3 of charging employers' experience or reimbursable accounts with
4 regular benefits paid subsequent to July 3, 1971, to any eligible
5 individual but except as provided in IC 22-4-22 and subsection (f),
6 such benefits paid shall be charged proportionately against the
7 experience or reimbursable accounts of his employers in his base
8 period (on the basis of total wage credits established in such base
9 period) against whose accounts the maximum charges specified in this
10 section shall not have been previously made. Such charges shall be
11 made in the inverse chronological order in which the wage credits of
12 such individuals were established. However, when an individual's
13 claim has been computed for the purpose of determining his regular
14 benefit rights, maximum regular benefit amount, and the proportion of
15 such maximum amount to be charged to the experience or reimbursable
16 accounts of respective chargeable employers in the base period, the
17 experience or reimbursable account of any employer charged with

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1 regular benefits paid shall not be credited or reccredited with any
 2 portion of such maximum amount because of any portion of such
 3 individual's wage credits remaining uncharged at the expiration of his
 4 benefit period. The maximum so charged against the account of any
 5 employer shall not exceed twenty-eight percent (28%) of the total wage
 6 credits of such individual with each such employer with which wage
 7 credits were established during such individual's base period. Benefits
 8 paid under provisions of IC 22-4-22-3 in excess of the amount that the
 9 claimant would have been monetarily eligible for under other
 10 provisions of this article shall be paid from the fund and not charged to
 11 the experience account of any employer; however, this exception shall
 12 not apply to those employers electing to make payments in lieu of
 13 contributions who shall be charged for all benefit payments which are
 14 attributable to service in their employ. Irrespective of the twenty-eight
 15 percent (28%) maximum limitation provided for in this section, any
 16 extended benefits paid to an eligible individual based on service with
 17 a governmental entity of this state or its political subdivisions shall be
 18 charged to the experience or reimbursable accounts of the employers,
 19 and fifty percent (50%) of any extended benefits paid to an eligible
 20 individual shall be charged to the experience or reimbursable accounts
 21 of his employers in his base period, other than governmental entities of
 22 this state or its political subdivisions, in the same proportion and
 23 sequence as are provided in this section for regular benefits paid.
 24 Additional benefits paid under ~~IC 22-4-12-4(c)~~ **IC 22-4-12-4(e)** shall:

25 (1) be paid from the fund; and

26 (2) not be charged to the experience account or the reimbursable
 27 account of any employer.

28 (b) If the aggregate of wages paid to an individual by two (2) or
 29 more employers during the same calendar quarter exceeds the
 30 maximum wage credits (as defined in IC 22-4-4-3) then the experience
 31 or reimbursable account of each such employer shall be charged in the
 32 ratio which the amount of wage credits from such employer bears to the
 33 total amount of wage credits during the base period.

34 (c) When wage records show that an individual has been employed
 35 by two (2) or more employers during the same calendar quarter of the
 36 base period but do not indicate both that such employment was
 37 consecutive and the order of sequence thereof, then and in such cases
 38 it shall be deemed that the employer with whom the individual
 39 established a plurality of wage credits in such calendar quarter is the
 40 most recent employer in such quarter and its experience or
 41 reimbursable account shall be first charged with benefits paid to such
 42 individual. The experience or reimbursable account of the employer



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1 with whom the next highest amount of wage credits were established
 2 shall be charged secondly and the experience or reimbursable accounts
 3 of other employers during such quarters, if any, shall likewise be
 4 charged in order according to plurality of wage credits established by
 5 such individual.

6 (d) Except as provided in subsection (f), if an individual:

7 (1) voluntarily leaves an employer without good cause in
 8 connection with the work; or

9 (2) is discharged from an employer for just cause;

10 wage credits earned with the employer from whom the employee has
 11 separated under these conditions shall be used to compute the
 12 claimant's eligibility for benefits, but charges based on such wage
 13 credits shall be paid from the fund and not charged to the experience
 14 account of any employer. However, this exception shall not apply to
 15 those employers who elect to make payments in lieu of contributions,
 16 who shall be charged for all benefit payments which are attributable to
 17 service in their employ.

18 (e) Any nonprofit organization which elects to make payments in
 19 lieu of contributions into the unemployment compensation fund as
 20 provided in this article is not liable to make the payments with respect
 21 to the benefits paid to any individual whose base period wages include
 22 wages for previously uncovered services as defined in IC 22-4-4-4, nor
 23 is the experience account of any other employer liable for charges for
 24 benefits paid the individual to the extent that the unemployment
 25 compensation fund is reimbursed for these benefits pursuant to Section
 26 121 of P.L.94-566. Payments which otherwise would have been
 27 chargeable to the reimbursable or contributing employers shall be
 28 charged to the fund.

29 (f) If an individual:

30 (1) earns wages during his base period through employment with
 31 two (2) or more employers concurrently;

32 (2) is laid off from work by one (1) of the employers; and

33 (3) continues to work for one (1) or more of the other employers
 34 after the end of the base period and continues to work during the
 35 applicable benefit year on substantially the same basis as during
 36 the base period;

37 wage credits earned with the base period employers shall be used to
 38 compute the claimant's eligibility for benefits, but charges based on the
 39 wage credits from the employer who continues to employ the individual
 40 shall be charged to the experience or reimbursable account of the
 41 employer who laid the claimant off.

42 (g) Subsection (f) does not affect the eligibility of a claimant who

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1 otherwise qualifies for benefits nor the computation of his benefits.

2 SECTION 2. IC 22-4-12-4 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Benefits shall be
 4 computed upon the basis of wage credits of an individual in his base
 5 period. Wage credits shall be reported by the employer and credited to
 6 the individual in the manner prescribed by the board. With respect to
 7 initial claims filed for any week beginning on and after July 4, 1959,
 8 and before July 7, 1991, the maximum total amount of benefits payable
 9 to any eligible individual during any benefit period shall not exceed
 10 twenty-six (26) times his weekly benefit, or twenty-five percent (25%)
 11 of his wage credits with respect to his base period, whichever is the
 12 lesser.

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

21 (c) **With respect to initial claims filed for any week beginning on**
 22 **and after July 1, 1999, the maximum total amount of benefits**
 23 **payable to any eligible individual during any benefit period shall**
 24 **not exceed twenty-six (26) times the individual's weekly benefit, or**
 25 **thirty-two percent (32%) of the individual's wage credits with**
 26 **respect to the individual's base period, whichever is less. If such**
 27 **maximum total amount of benefits is not a multiple of one dollar**
 28 **(\$1), it shall be computed to the next lower multiple of one dollar**
 29 **(\$1).**

30 ~~(b)~~ (d) The total extended benefit amount payable to any eligible
 31 individual with respect to his applicable benefit period shall be fifty
 32 percent (50%) of the total amount of regular benefits (including
 33 dependents' allowances) which were payable to him under this article
 34 in the applicable benefit year, or thirteen (13) times the weekly benefit
 35 amount (including dependents' allowances) which was payable to him
 36 under this article for a week of total unemployment in the applicable
 37 benefit year, whichever is the lesser amount.

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



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- 1 (1) the individual has established:
- 2 (A) a disaster unemployment claim under the Stafford Disaster
- 3 Relief and Emergency Assistance Act; or
- 4 (B) a state unemployment insurance claim as a direct result of
- 5 a major disaster;
- 6 (2) all regular benefits and all disaster unemployment assistance
- 7 benefits:
- 8 (A) have been exhausted by the individual; or
- 9 (B) are no longer payable to the individual due to the
- 10 expiration of the disaster assistance period; and
- 11 (3) the individual remains unemployed as a direct result of the
- 12 disaster.

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