

# SENATE BILL No. 196

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-4-14-7.

**Synopsis:** Head Start employment and unemployment benefits. Provides that unemployment benefits may not be paid to an individual employed by a Head Start or an Early Head Start program for a week during a period between two successive academic years or terms if the individual performs the employment in the first academic year or term and there is a reasonable assurance that the individual will be employed in the second academic year or term. Makes conforming amendments.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 196



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

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

1 SECTION 1. IC 22-4-14-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Benefits based on  
3 service in employment defined in IC 22-4-8-2(i) and IC 22-4-8-2(j)  
4 shall be payable in the same amount, on the terms, and subject to the  
5 same conditions as compensation payable on the basis of other service  
6 subject to this article, unless otherwise specifically provided, subject  
7 to the following exceptions:

8 **(1) For purposes of this subsection, "educational institution"**  
9 **includes a governmental entity or nonprofit organization**  
10 **providing services funded by the Head Start program under**  
11 **42 U.S.C. 9831 et seq. or the Early Head Start program under**  
12 **42 U.S.C. 9840(a).**

13 **(+) (2)** With respect to service performed in an instructional,  
14 research, or principal administrative capacity for an educational  
15 institution, benefits may not be paid based on the service for any  
16 week of unemployment commencing during the period between  
17 two (2) successive academic years, or terms, or during the period



1 between two (2) regular but not successive terms, or during a  
 2 period of paid sabbatical leave provided for in the individual's  
 3 contract, to any individual if the individual performs the services  
 4 in the first of the academic years or terms and if there is a  
 5 reasonable assurance that the individual will perform services in  
 6 an instructional, research, or principal administrative capacity for  
 7 any educational institution in the second of the academic years or  
 8 terms.

9 ~~(2)~~ **(3)** With respect to services performed in any capacity (other  
 10 than those listed in subdivision ~~(1)~~ **of this section**) ~~(2)~~ for an  
 11 educational institution, benefits may not be paid based on the  
 12 service of an individual for any week which commences during  
 13 a period between two (2) successive academic years or terms if  
 14 the individual performs the service in the first of the academic  
 15 years or terms and there is reasonable assurance that the  
 16 individual will perform the service in the second of the academic  
 17 years or terms. However, with respect to weeks of unemployment  
 18 beginning on or after January 1, 1984, if compensation is denied  
 19 to any individual under this subdivision and the individual was  
 20 not offered an opportunity to perform such services for the  
 21 educational institution for the second of the academic years or  
 22 terms, the individual is entitled to a retroactive payment of  
 23 compensation for each week for which the individual filed a  
 24 timely claim for compensation and for which compensation was  
 25 denied solely by reason of this subdivision.

26 ~~(3)~~ **(4)** With respect to any services described in ~~subdivisions (1)~~  
 27 **subdivision (2)** or ~~(2)~~ **of this section**, ~~(3)~~, compensation payable  
 28 for these services shall be denied to any individual for any week  
 29 which commences during an established and customary vacation  
 30 period or holiday recess if there is reasonable assurance that the  
 31 individual will perform the services in the period immediately  
 32 following the vacation period or holiday recess.

33 ~~(4)~~ **(5)** With respect to any services described in subdivisions ~~(1)~~  
 34 **(2)** and ~~(2)~~, **(3)**, benefits shall not be payable on the basis of  
 35 services in any such capacities as specified in subdivisions ~~(1)~~,  
 36 ~~(2)~~, ~~and~~ **(3)**, **and (4)** to any individual who performed such  
 37 services in an educational institution while in the employ of an  
 38 educational service agency. For purposes of this subdivision, the  
 39 term "educational service agency" means a governmental agency  
 40 or governmental entity that is established and operated  
 41 exclusively for the purpose of providing such services to one (1)  
 42 or more educational institutions.

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1 (b) For purposes of this section, benefits may not be denied during  
2 the period between academic years or terms to any individual having  
3 wage credits earned with other than an educational institution if the  
4 wage credits qualify the individual under section 5 of this chapter and  
5 the individual is otherwise eligible. In these cases, the claim shall be  
6 computed based on the wage credits earned with employers other than  
7 educational institutions reported for the individual during the base  
8 period, in accordance with IC 22-4-12-2 and IC 22-4-12-4. Benefits  
9 paid based on the computation shall be only for weeks of  
10 unemployment occurring between academic years or terms. For any  
11 weeks of unemployment claims other than between academic years or  
12 terms, the claims of these individuals shall be recomputed to include  
13 all base period wages.

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