
HOUSE BILL No. 1220

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4-2-2; IC 22-4-12-2; IC 22-4-12-2.5.

Synopsis: Partial unemployment benefit. Establishes a partial unemployment benefit for an individual who accepts work that pays less than the individual's unemployment benefit.

Effective: Upon passage.

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January 12, 2011, read first time and referred to Committee on Employment, Labor and Pensions.

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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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HOUSE BILL No. 1220



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 22-4-2-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. "Partial benefits" means the
3 weekly benefit amounts of ~~any an~~ eligible individual ~~who is partially~~
4 ~~and/or part-totally unemployed; less the deductible income as~~
5 ~~hereinafter defined; **computed and paid under IC 22-4-12-2(b) or**~~
6 ~~**IC 22-4-12-2.5.**~~

7 SECTION 2. IC 22-4-12-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) With respect
9 to initial claims filed for any week beginning on and after July 6, 1980,
10 and before July 7, 1985, each eligible individual who is totally
11 unemployed (as defined in IC 22-4-3-1) in any week in the individual's
12 benefit period shall be paid for the week, if properly claimed, benefits
13 at the rate of four and three-tenths percent (4.3%) of the individual's
14 wage credits in the calendar quarter during the individual's base period
15 in which the wage credits were highest. However, the weekly benefit
16 amount may not exceed:

17 (1) eighty-four dollars (\$84) if the eligible and qualified



- 1 individual has no dependents;
- 2 (2) ninety-nine dollars (\$99) if the eligible and qualified
- 3 individual has one (1) dependent;
- 4 (3) one hundred thirteen dollars (\$113) if the eligible and
- 5 qualified individual has two (2) dependents;
- 6 (4) one hundred twenty-eight dollars (\$128) if the eligible and
- 7 qualified individual has three (3) dependents; or
- 8 (5) one hundred forty-one dollars (\$141) if the eligible and
- 9 qualified individual has four (4) or more dependents.

10 With respect to initial claims filed for any week beginning on and
 11 after July 7, 1985, and before July 6, 1986, each eligible individual who
 12 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 13 individual's benefit period shall be paid for the week, if properly
 14 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 15 the individual's wage credits in the calendar quarter during the
 16 individual's base period in which the wage credits were highest.
 17 However, the weekly benefit amount may not exceed:

- 18 (1) ninety dollars (\$90) if the eligible and qualified individual has
- 19 no dependents;
- 20 (2) one hundred six dollars (\$106) if the eligible and qualified
- 21 individual has one (1) dependent;
- 22 (3) one hundred twenty-one dollars (\$121) if the eligible and
- 23 qualified individual has two (2) dependents;
- 24 (4) one hundred thirty-seven dollars (\$137) if the eligible and
- 25 qualified individual has three (3) dependents; or
- 26 (5) one hundred fifty-one dollars (\$151) if the eligible and
- 27 qualified individual has four (4) or more dependents.

28 With respect to initial claims filed for any week beginning on and
 29 after July 6, 1986, and before July 7, 1991, each eligible individual who
 30 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 31 individual's benefit period shall be paid for the week, if properly
 32 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 33 the individual's wage credits in the calendar quarter during the
 34 individual's base period in which the wage credits were highest.
 35 However, the weekly benefit amount may not exceed:

- 36 (1) ninety-six dollars (\$96) if the eligible and qualified individual
- 37 has no dependents;
- 38 (2) one hundred thirteen dollars (\$113) if the eligible and
- 39 qualified individual has one (1) dependent;
- 40 (3) one hundred twenty-nine dollars (\$129) if the eligible and
- 41 qualified individual has two (2) dependents;
- 42 (4) one hundred forty-seven dollars (\$147) if the eligible and

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1 qualified individual has three (3) dependents; or
2 (5) one hundred sixty-one dollars (\$161) if the eligible and
3 qualified individual has four (4) or more dependents.

4 With respect to initial claims filed for any week beginning on and
5 after July 7, 1991, benefits shall be paid in accordance with subsections
6 (d) through (k).

7 For the purpose of this subsection and subsections (e) through (g),
8 the term "dependent" means lawful husband or wife, natural child,
9 adopted child, stepchild, if such stepchild is not receiving aid to
10 dependent children under the welfare program, or child placed in the
11 claimant's home for adoption by an authorized placement agency or a
12 court of law, provided such child is under eighteen (18) years of age
13 and that such dependent claimed has received more than one-half (1/2)
14 the cost of support from the claimant during ninety (90) days (or for
15 duration of relationship, if less) immediately preceding the claimant's
16 benefit year beginning date, but only if such dependent who is the
17 lawful husband or wife is unemployed and currently ineligible for
18 Indiana benefits because of insufficient base period wages. The number
19 and status of dependents shall be determined as of the beginning of the
20 claimant's benefit period and shall not be changed during that benefit
21 period.

22 With respect to initial claims filed for any week beginning on and
23 after July 6, 1980, the term "dependent" shall include a person with a
24 disability over eighteen (18) years of age who is a child of the claimant
25 and who receives more than one-half (1/2) the cost of ~~his~~ **the person's**
26 support from the claimant during the ninety (90) day period
27 immediately preceding the claimant's benefit year beginning date.
28 "Child" includes a natural child, an adopted child, a stepchild of
29 claimant, if the stepchild is not receiving aid to dependent children
30 under the welfare program, or a child placed in the claimant's home for
31 adoption by an authorized placement agency or a court of law. The
32 term "disabled" means an individual who by reason of physical or
33 mental defect or infirmity, whether congenital or acquired by accident,
34 injury, or disease, is totally or partially prevented from achieving the
35 fullest attainable physical, social, economic, mental, and vocational
36 participation in the normal process of living.

37 For the purpose of this subsection, the term "dependent" includes a
38 child for whom claimant is the court appointed legal guardian.

39 On and after July 6, 1980, and before July 7, 1991, if the weekly
40 benefit amount is less than forty dollars (\$40), the board, through the
41 commissioner, shall pay benefits at the rate of forty dollars (\$40) per
42 week. On and after July 7, 1991, if the weekly benefit amount is less

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1 than fifty dollars (\$50), the board, through the commissioner, shall pay
 2 benefits at the rate of fifty dollars (\$50) per week. If such weekly
 3 benefit amount is not a multiple of one dollar (\$1), it shall be computed
 4 to the next lower multiple of one dollar (\$1).

5 (b) Each eligible individual who:

6 (1) is partially or part-totally unemployed in any week; **and**

7 (2) **does not qualify for a partial benefit under section 2.5 of**
 8 **this chapter;**

9 shall be paid with respect to such week a benefit in an amount equal to
 10 ~~his~~ **the individual's** weekly benefit amount, less ~~his~~ **the individual's**
 11 deductible income, if any, for such week. If such partial benefit is not
 12 a multiple of one dollar (\$1), it shall be computed to the next lower
 13 multiple of one dollar (\$1). Except for an individual who is totally
 14 unemployed, an individual who is not partially or part-totally
 15 unemployed is not eligible for any benefit. The board may prescribe
 16 rules governing the payment of such partial benefits, and may provide,
 17 with respect to individuals whose earnings cannot reasonably be
 18 computed on a weekly basis, that such benefits may be computed and
 19 paid on other than a weekly basis. However, such rules shall secure
 20 results reasonably equivalent to those provided in the analogous
 21 provisions of this section.

22 (c) The weekly extended benefit amount payable to an individual for
 23 a week of total unemployment in the individual's eligibility period shall
 24 be an amount equal to the weekly benefit amount payable to the
 25 individual during the individual's applicable benefit period, prior to any
 26 reduction of such weekly benefit amount.

27 (d) With respect to initial claims filed for any week beginning on
 28 and after July 7, 1991, and before July 1, 1995, each eligible individual
 29 who is totally unemployed (as defined in IC 22-4-3-1) in any week in
 30 the individual's benefit period shall be paid for the week, if properly
 31 claimed, benefits at the rate of:

32 (1) five percent (5%) of the first one thousand dollars (\$1,000) of
 33 the individual's wage credits in the calendar quarter during the
 34 individual's base period in which the wage credits were highest;
 35 and

36 (2) four percent (4%) of the individual's remaining wage credits
 37 in the calendar quarter during the individual's base period in
 38 which the wage credits were highest.

39 However, the weekly benefit amount may not exceed the amount
 40 specified in subsections (e) through (i).

41 (e) With respect to initial claims filed for any week beginning on
 42 and after July 7, 1991, and before July 5, 1992, the weekly benefit

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- 1 amount may not exceed:
- 2 (1) one hundred sixteen dollars (\$116) if the eligible and qualified
- 3 individual has no dependents;
- 4 (2) one hundred thirty-four dollars (\$134) if the eligible and
- 5 qualified individual has one (1) dependent;
- 6 (3) one hundred fifty-three dollars (\$153) if the eligible and
- 7 qualified individual has two (2) dependents; or
- 8 (4) one hundred seventy-one dollars (\$171) if the eligible and
- 9 qualified individual has three (3) or more dependents.
- 10 (f) With respect to initial claims filed for any week beginning on
- 11 and after July 5, 1992, and before July 4, 1993, the weekly benefit
- 12 amount may not exceed:
- 13 (1) one hundred forty dollars (\$140) if the eligible and qualified
- 14 individual has no dependents;
- 15 (2) one hundred sixty dollars (\$160) if the eligible and qualified
- 16 individual has one (1) dependent; or
- 17 (3) one hundred eighty-one dollars (\$181) if the eligible and
- 18 qualified individual has two (2) or more dependents.
- 19 (g) With respect to initial claims filed for any week beginning on
- 20 and after July 4, 1993, and before July 3, 1994, the weekly benefit
- 21 amount may not exceed:
- 22 (1) one hundred seventy dollars (\$170) if the eligible and
- 23 qualified individual has no dependents; or
- 24 (2) one hundred ninety-two dollars (\$192) if the eligible and
- 25 qualified individual has one (1) or more dependents.
- 26 (h) With respect to initial claims filed for any week beginning on or
- 27 after July 3, 1994, and before July 1, 1995, the weekly benefit amount
- 28 may not exceed two hundred two dollars (\$202).
- 29 (i) With respect to initial claims filed for any week on or after July
- 30 1, 1995, the weekly benefit amount will equal the amount that results
- 31 from applying the percentages provided in subsections (j) through (k)
- 32 to the applicable maximum wage credits under IC 22-4-4-3.
- 33 (j) With respect to initial claims filed for any week beginning on and
- 34 after July 1, 1995, and before July 1, 1997, each eligible individual who
- 35 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
- 36 individual's benefit period shall be paid for the week, if properly
- 37 claimed, benefits at the rate of:
- 38 (1) five percent (5%) of the first one thousand seven hundred fifty
- 39 dollars (\$1,750) of the individual's wage credits in the calendar
- 40 quarter during the individual's base period in which the wage
- 41 credits were highest; and
- 42 (2) four percent (4%) of the individual's remaining wage credits

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1 in the calendar quarter during the individual's base period in
2 which the wage credits were highest.

3 However, the weekly benefit amount may not exceed the amount
4 specified in subsection (i).

5 (k) With respect to initial claims filed for any week beginning on
6 and after July 1, 1997, each eligible individual who is totally
7 unemployed (as defined in IC 22-4-3-1) in any week in the individual's
8 benefit period shall be paid for the week, if properly claimed, benefits
9 at the rate of:

10 (1) five percent (5%) of the first two thousand dollars (\$2,000) of
11 the individual's wage credits in the calendar quarter during the
12 individual's base period in which the wage credits were highest;
13 and

14 (2) four percent (4%) of the individual's remaining wage credits
15 in the calendar quarter during the individual's base period in
16 which the wage credits were highest.

17 SECTION 3. IC 22-4-12-2.5 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: **Sec. 2.5. (a) This section applies to an individual
20 who:**

21 (1) **has been totally unemployed (as defined in IC 22-4-3-1)
22 and is not otherwise job attached;**

23 (2) **accepts work that pays less than the weekly benefit amount
24 that the individual is eligible to receive under this article; and**

25 (3) **is otherwise eligible to receive a benefit for a week in
26 which the partial benefit is paid.**

27 (b) **For a week in which an eligible individual receives
28 remuneration for services from employing units that is less than
29 the individual's weekly benefit amount for that week, the
30 individual is entitled to receive a partial benefit, rounded down to
31 the nearest whole dollar, that is equal to:**

32 (1) **the difference between the amount of the individual's
33 remuneration and the individual's weekly benefit amount;
34 plus**

35 (2) **forty dollars (\$40).**

36 (c) **Notwithstanding any other provision of this article or any
37 other law, if an individual meets the requirements of subsection (a)
38 each week, the individual may receive a partial benefit computed
39 under this section for thirteen (13) weeks.**

40 SECTION 4. **An emergency is declared for this act.**

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