
HOUSE BILL No. 1450

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4.

Synopsis: Unemployment insurance. Provides that an individual employed for any week on an on-call or as-needed basis and who receives remuneration for personal services or has available work from an on-call employer is not totally or partially unemployed for purposes of receiving an unemployment benefit. Removes the cap on wage credits. Establishes the weekly unemployment insurance benefit amount as 47% of the individual's prior average weekly wage. Establishes the maximum weekly benefit amount at \$390. Removes from the definition of "deductible income": (1) for a week in which a payment is actually received by an individual, payments made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure; and (2) the part of a payment made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure if that part is attributable to a week, and the week: (A) occurs after an individual receives the payment; and (B) was used under the terms of a written agreement to compute the payment. Includes in the definition of "deductible income": (1) compensation made under a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement; and (2) a supplemental unemployment insurance benefit made under a valid negotiated contract or agreement. Provides for an annual employer surcharge that, for 2011, is equal to 13% of the contribution rate paid by the employer, if the state is required to pay interest on advances made to the state from the federal unemployment account in the federal unemployment trust fund. For a
(Continued next page)

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Effective: December 31, 2010 (retroactive); July 1, 2011.

Leonard

January 20, 2011, read first time and referred to Committee on Employment, Labor and Pensions.



Digest Continued

calendar year after 2011, requires the department of workforce development (department) to determine the surcharge percentage for the year by January 31 based on: (1) the interest rate charged the state for the year; and (2) the state's outstanding loan balance to the federal unemployment account on January 1. Allows the department to use the employer surcharge to repay interest on federal advances. Establishes the unemployment insurance solvency fund for the part of the employer surcharge used to repay interest on federal advances. Provides that, for calendar years 2011 through 2020, Schedule E applies in determining and assigning each employer's contribution rate. 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. Specifies the benefit computation for an individual who is temporarily unemployed because of a planned shutdown of the individual's employer. Makes conforming amendments.

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Introduced

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. 1450



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 22-4-3-3 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2011]: **Sec. 3. An individual is not totally unemployed or partially**
 4 **unemployed for any week in which the individual:**
 5 (1) **is regularly and customarily employed on an on call or as**
 6 **needed basis; and**
 7 (2) **has:**
 8 (A) **remuneration for personal services payable to the**
 9 **individual; or**
 10 (B) **work available from the individual's on-call or as**
 11 **needed employer.**
 12 SECTION 2. IC 22-4-4-3 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) ~~For calendar quarters~~
 14 ~~beginning on and after April 1, 1979; and before April 1, 1984; "wage~~
 15 ~~credits" means remuneration paid for employment by an employer to~~



1 an individual. Wage credits may not exceed three thousand six hundred
2 sixty-six dollars (\$3,666) and may not include payments specified in
3 section 2(b) of this chapter.

4 (b) For calendar quarters beginning on and after April 1, 1984, and
5 before April 1, 1985, "wage credits" means remuneration paid for
6 employment by an employer to an individual. Wage credits may not
7 exceed three thousand nine hundred twenty-six dollars (\$3,926) and
8 may not include payments specified in section 2(b) of this chapter.

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

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

19 (e) For calendar quarters beginning on and after July 1, 1995, and
20 before July 1, 1997, "wage credits" means remuneration paid for
21 employment by an employer to an individual and remuneration
22 received as tips or gratuities in accordance with Sections 3102 and
23 3301 et seq. of the Internal Revenue Code. Wage credits may not
24 exceed five thousand dollars (\$5,000) and may not include payments
25 specified in section 2(b) of this chapter.

26 (f) (a) For calendar quarters beginning on and after July 1, 1997,
27 and before July 1, 1998, "wage credits" means remuneration paid for
28 employment by an employer to an individual and remuneration
29 received as tips or gratuities in accordance with Sections 3102 and
30 3301 et seq. of the Internal Revenue Code. Wage credits may not
31 exceed five thousand four hundred dollars (\$5,400) and may not
32 include payments specified in section 2(b) of this chapter.

33 (g) (b) For calendar quarters beginning on and after July 1, 1998,
34 and before July 1, 1999, "wage credits" means remuneration paid for
35 employment by an employer to an individual and remuneration
36 received as tips or gratuities in accordance with Sections 3102 and
37 3301 et seq. of the Internal Revenue Code. Wage credits may not
38 exceed five thousand six hundred dollars (\$5,600) and may not include
39 payments that are excluded from the definition of wages under section
40 2(b) of this chapter.

41 (h) (c) For calendar quarters beginning on and after July 1, 1999,
42 and before July 1, 2000, "wage credits" means remuneration paid for

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1 employment by an employer to an individual and remuneration
2 received as tips or gratuities in accordance with Sections 3102 and
3 3301 et seq. of the Internal Revenue Code. Wage credits may not
4 exceed five thousand eight hundred dollars (\$5,800) and may not
5 include payments that are excluded from the definition of wages under
6 section 2(b) of this chapter.

7 (i) (d) For calendar quarters beginning on and after July 1, 2000,
8 and before July 1, 2001, "wage credits" means remuneration paid for
9 employment by an employer to an individual and remuneration
10 received as tips or gratuities in accordance with Sections 3102 and
11 3301 et seq. of the Internal Revenue Code. Wage credits may not
12 exceed six thousand seven hundred dollars (\$6,700) and may not
13 include payments that are excluded from the definition of wages under
14 section 2(b) of this chapter.

15 (j) (e) For calendar quarters beginning on and after July 1, 2001, and
16 before July 1, 2002, "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 3102 and
19 3301 et seq. of the Internal Revenue Code. Wage credits may not
20 exceed seven thousand three hundred dollars (\$7,300) and may not
21 include payments that are excluded from the definition of wages under
22 section 2(b) of this chapter.

23 (k) (f) For calendar quarters beginning on and after July 1, 2002,
24 and before July 1, 2003, "wage credits" means remuneration paid for
25 employment by an employer to an individual and remuneration
26 received as tips or gratuities in accordance with Sections 3102 and
27 3301 et seq. of the Internal Revenue Code. Wage credits may not
28 exceed seven thousand nine hundred dollars (\$7,900) and may not
29 include payments that are excluded from the definition of wages under
30 section 2(b) of this chapter.

31 (l) (g) For calendar quarters beginning on and after July 1, 2003,
32 and before July 1, 2004, "wage credits" means remuneration paid for
33 employment by an employer to an individual and remuneration
34 received as tips or gratuities in accordance with Sections 3102 and
35 3301 et seq. of the Internal Revenue Code. Wage credits may not
36 exceed eight thousand two hundred sixteen dollars (\$8,216) and may
37 not include payments that are excluded from the definition of wages
38 under section 2(b) of this chapter.

39 (m) (h) For calendar quarters beginning on and after July 1, 2004,
40 and before July 1, 2005, "wage credits" means remuneration paid for
41 employment by an employer to an individual and remuneration
42 received as tips or gratuities in accordance with Sections 3102 and

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1 3301 et seq. of the Internal Revenue Code. Wage credits may not
 2 exceed eight thousand seven hundred thirty-three dollars (\$8,733) and
 3 may not include payments that are excluded from the definition of
 4 wages under section 2(b) of this chapter.

5 ~~(m)~~ (i) For calendar quarters beginning on and after July 1, 2005,
 6 **and before October 1, 2011**, "wage credits" means remuneration paid
 7 for employment by an employer to an individual and remuneration
 8 received as tips or gratuities in accordance with Sections 3102 and
 9 3301 et seq. of the Internal Revenue Code. Wage credits may not
 10 exceed nine thousand two hundred fifty dollars (\$9,250) and may not
 11 include payments that are excluded from the definition of wages under
 12 section 2(b) of this chapter.

13 (j) **For calendar quarters beginning on and after October 1,**
 14 **2011, "wage credits" means remuneration paid for employment by**
 15 **an employer to an individual and remuneration received as tips or**
 16 **gratuities in accordance with Sections 3102 and 3301 et seq. of the**
 17 **Internal Revenue Code. Wage credits may not include payments**
 18 **that are excluded from the definition of wages under section 2(b)**
 19 **of this chapter.**

20 SECTION 3. IC 22-4-5-1, AS AMENDED BY P.L.110-2010,
 21 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2011]: Sec. 1. (a) "Deductible income" wherever used in this
 23 article, means income deductible from the weekly benefit amount of an
 24 individual in any week, and shall include, but shall not be limited to,
 25 **any of the following:**

- 26 (1) Remuneration for services from employing units, whether or
 27 not such remuneration is subject to contribution under this article,
 28 except as provided in subsection (c).
- 29 (2) Dismissal pay.
- 30 (3) Vacation pay.
- 31 (4) Pay for idle time.
- 32 (5) Holiday pay.
- 33 (6) Sick pay.
- 34 (7) Traveling expenses granted to an individual by an employing
 35 unit and not fully accounted for by such individual.
- 36 (8) Net earnings from self-employment.
- 37 (9) Payments in lieu of compensation for services.
- 38 (10) Awards by the national labor relations board of additional
 39 pay, back pay, or for loss of employment, or any such payments
 40 made under an agreement entered into by an employer, a union,
 41 and the National Labor Relations Board.
- 42 (11) Payments made to an individual by an employing unit

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pursuant to the terms of the Fair Labor Standards Act (Federal Wage and Hour Law, 29 U.S.C. 201 et seq.).

(12) **This subdivision applies to initial claims for unemployment filed for a week that begins after March 14, 2008, and before October 1, 2011.** For a week in which a payment is actually received by an individual, payments made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure. ~~or~~

(13) **This subdivision applies to initial claims for unemployment filed for a week that begins after March 14, 2008, and before October 1, 2011.** Except as provided in subsection (c)(2), the part of a payment made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure if that part is attributable to a week and the week:

- (A) occurs after an individual receives the payment; and
- (B) was used under the terms of a written agreement to compute the payment.

(b) Deductible income shall not include the first three dollars (\$3), or twenty percent (20%) of the claimant's weekly benefit amount rounded to the next lowest dollar, whichever is the larger, of remuneration paid or payable to an individual with respect to any week by other than the individual's base period employer or employers.

(c) For the purpose of deductible income only, remuneration for services from employing units does not include:

- (1) bonuses, gifts, or prizes awarded to an employee by an employing unit; or
- (2) **for initial claims for unemployment filed for a week that begins after March 14, 2008, and before October 1, 2011,** compensation made under a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement.

(d) **This subsection applies to initial claims for unemployment filed for a week that begins after March 14, 2008, and before October 1, 2011.** Deductible income does not include a supplemental unemployment insurance benefit made under a valid negotiated contract or agreement.

(e) Deductible income does not include any payments made to an individual by a court system under a summons for jury service.

SECTION 4. IC 22-4-10-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

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1 DECEMBER 31, 2010 (RETROACTIVE)]: **Sec. 4.5. (a) This section**
2 **applies to a calendar year that begins after December 31, 2010, to**
3 **an employer:**

4 (1) **that is subject to this article for wages paid during the**
5 **calendar year; and**

6 (2) **whose contribution rate for the calendar year was**
7 **determined under this chapter, IC 22-4-11, IC 22-4-11.5, or**
8 **IC 22-4-37-3;**

9 **if, during the calendar year, the state is required to pay interest on**
10 **the advances made to the state from the federal unemployment**
11 **account in the federal unemployment trust fund under 42 U.S.C.**
12 **1321.**

13 (b) **In addition to the contributions determined under this**
14 **chapter, IC 22-4-11.5, or IC 22-4-37-3 for calendar year 2011, each**
15 **employer shall pay an unemployment insurance surcharge that is**
16 **equal to thirteen percent (13%) of the employer's contribution rate**
17 **determined under this chapter, IC 22-4-11.5, or IC 22-4-37-3 for**
18 **the calendar year.**

19 (c) **For a calendar year that begins after December 31, 2011, in**
20 **which employers are required to pay the unemployment insurance**
21 **surcharge described in subsection (b), the department shall**
22 **determine, not later than January 31, the surcharge percentage for**
23 **that year based on:**

24 (1) **the interest rate charged the state for the year determined**
25 **under 42 U.S.C. 1322(b); and**

26 (2) **the state's outstanding loan balance to the federal**
27 **unemployment account on January 1 of the year.**

28 (d) **The unemployment insurance surcharge described in**
29 **subsection (b) is payable to the department quarterly at the same**
30 **time as employer contributions are paid under section 1 of this**
31 **chapter.**

32 (e) **The department:**

33 (1) **may use amounts received under this section to pay**
34 **interest on the advances made to the state from the federal**
35 **unemployment account in the federal unemployment trust**
36 **fund under 42 U.S.C. 1321; and**

37 (2) **shall deposit any amounts received under this section and**
38 **not used for the purposes described in subdivision (1) in the**
39 **unemployment insurance benefit fund established under**
40 **IC 22-4-26.**

41 (f) **Amounts paid under this section and used as provided in**
42 **subsection (e)(1) do not affect and may not be charged to the**

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1 **experience account of any employer. Amounts paid under this**
2 **section and used as provided in subsection (e)(2) must be credited**
3 **to each employer's experience account in proportion to the amount**
4 **the employer paid under this section.**

5 SECTION 5. IC 22-4-10-4.6 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
7 **DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4.6. (a) The**
8 **unemployment insurance solvency fund is established for the**
9 **purpose of paying interest on the advances made to the state from**
10 **the federal unemployment account in the federal unemployment**
11 **trust fund under 42 U.S.C. 1321. The fund shall be administered by**
12 **the department.**

13 **(b) Money received by the department from the unemployment**
14 **insurance surcharge that the department elects to use for the**
15 **purposes described in section 4.5(e)(1) of this chapter shall be**
16 **deposited in the fund for the purposes of the fund.**

17 **(c) The treasurer of state shall invest the money in the fund not**
18 **currently needed to meet the obligations of the fund in the same**
19 **manner as other public money may be invested. Interest that**
20 **accrues from these investments shall be deposited in the fund.**

21 **(d) Money in the fund at the end of a state fiscal year does not**
22 **revert to the state general fund.**

23 SECTION 6. IC 22-4-11-3, AS AMENDED BY P.L.110-2010,
24 SECTION 27, AND AS AMENDED BY P.L.1-2010, SECTION 87, IS
25 CORRECTED AND AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 3. (a)
27 The applicable schedule of rates for calendar years before January 1,
28 ~~2010~~, 2011, shall be determined by the ratio resulting when the balance
29 in the fund as of the determination date is divided by the total payroll
30 of all subject employers for the immediately preceding calendar year.
31 Schedule A, B, C, or D, appearing on the line opposite the fund ratio
32 in the schedule below, shall be applicable in determining and assigning
33 each employer's contribution rate for the calendar year immediately
34 following the determination date. For the purposes of this subsection,
35 "total payroll" means total remuneration reported by all contributing
36 employers as required by this article and does not include the total
37 payroll of any employer who elected to become liable for payments in
38 lieu of contributions (as defined in IC 22-4-2-32). For the purposes of
39 this subsection, "subject employers" means those employers who are
40 subject to contribution.

41 **FUND RATIO SCHEDULE**

42 **When the Fund Ratio Is:**

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	As Much As	But Less Than	Applicable Schedule
1		1.0%	A
2	1.0%	1.5%	B
3	1.5%	2.25%	C
4	2.25%		D

(b) Except as provided in subsection (c), the applicable schedule of rates for calendar years after December 31, ~~2009~~, 2010, shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedules A through I appearing on the line opposite the fund ratio in the schedule below are applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

	As Much As	But Less Than	Applicable Schedule
25		0.2%	A
26	0.2%	0.4%	B
27	0.4%	0.6%	C
28	0.6%	0.8%	D
29	0.8%	1.0%	E
30	1.0%	1.2%	F
31	1.2%	1.4%	G
32	1.4%	1.6%	H
33	1.6%		I

(c) For calendar ~~year 2010 2011 only~~, **years 2011 through 2020**, Schedule ~~B~~ **E** applies in determining and assigning each employer's contribution rate.

(d) Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers.

SECTION 7. IC 22-4-12-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) With respect to
 2 initial claims filed for any week beginning on and after July 6, 1980;
 3 and before July 7, 1985; each eligible individual who is totally
 4 unemployed (as defined in IC 22-4-3-1) in any week in the individual's
 5 benefit period shall be paid for the week, if properly claimed; benefits
 6 at the rate of four and three-tenths percent (4.3%) of the individual's
 7 wage credits in the calendar quarter during the individual's base period
 8 in which the wage credits were highest. However, the weekly benefit
 9 amount may not exceed:

- 10 (1) eighty-four dollars (\$84) if the eligible and qualified
 11 individual has no dependents;
 12 (2) ninety-nine dollars (\$99) if the eligible and qualified
 13 individual has one (1) dependent;
 14 (3) one hundred thirteen dollars (\$113) if the eligible and
 15 qualified individual has two (2) dependents;
 16 (4) one hundred twenty-eight dollars (\$128) if the eligible and
 17 qualified individual has three (3) dependents; or
 18 (5) one hundred forty-one dollars (\$141) if the eligible and
 19 qualified individual has four (4) or more dependents.

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

- 28 (1) ninety dollars (\$90) if the eligible and qualified individual has
 29 no dependents;
 30 (2) one hundred six dollars (\$106) if the eligible and qualified
 31 individual has one (1) dependent;
 32 (3) one hundred twenty-one dollars (\$121) if the eligible and
 33 qualified individual has two (2) dependents;
 34 (4) one hundred thirty-seven dollars (\$137) if the eligible and
 35 qualified individual has three (3) dependents; or
 36 (5) one hundred fifty-one dollars (\$151) if the eligible and
 37 qualified individual has four (4) or more dependents.

38 With respect to initial claims filed for any week beginning on and
 39 after July 6, 1986; and before July 7, 1991; each eligible individual who
 40 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 41 individual's benefit period shall be paid for the week, if properly
 42 claimed; benefits at the rate of four and three-tenths percent (4.3%) of

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1 the individual's wage credits in the calendar quarter during the
 2 individual's base period in which the wage credits were highest.
 3 However, the weekly benefit amount may not exceed:

4 (1) ninety-six dollars (\$96) if the eligible and qualified individual
 5 has no dependents;

6 (2) one hundred thirteen dollars (\$113) if the eligible and
 7 qualified individual has one (1) dependent;

8 (3) one hundred twenty-nine dollars (\$129) if the eligible and
 9 qualified individual has two (2) dependents;

10 (4) one hundred forty-seven dollars (\$147) if the eligible and
 11 qualified individual has three (3) dependents; or

12 (5) one hundred sixty-one dollars (\$161) if the eligible and
 13 qualified individual has four (4) or more dependents.

14 With respect to initial claims filed for any week beginning on and
 15 after July 7, 1991, benefits shall be paid in accordance with subsections
 16 (d) through (k):

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

32 With respect to initial claims filed for any week beginning on and
 33 after July 6, 1980; the term "dependent" shall include a person with a
 34 disability over eighteen (18) years of age who is a child of the claimant
 35 and who receives more than one-half (1/2) the cost of his support from
 36 the claimant during the ninety (90) day period immediately preceding
 37 the claimant's benefit year beginning date. "Child" includes a natural
 38 child; an adopted child; a stepchild of claimant; if the stepchild is not
 39 receiving aid to dependent children under the welfare program; or a
 40 child placed in the claimant's home for adoption by an authorized
 41 placement agency or a court of law. The term "disabled" means an
 42 individual who by reason of physical or mental defect or infirmity;

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1 whether congenital or acquired by accident, injury, or disease; is totally
2 or partially prevented from achieving the fullest attainable physical;
3 social; economic; mental; and vocational participation in the normal
4 process of living.

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

7 On and after July 6, 1980; and before July 7, 1991; if the weekly
8 benefit amount is less than forty dollars (\$40); the board; through the
9 commissioner; shall pay benefits at the rate of forty dollars (\$40) per
10 week. On and after July 7, 1991; if the weekly benefit amount is less
11 than fifty dollars (\$50); the board; through the commissioner; shall pay
12 benefits at the rate of fifty dollars (\$50) per week. If such weekly
13 benefit amount is not a multiple of one dollar (\$1); it shall be computed
14 to the next lower multiple of one dollar (\$1).

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

29 (c) The weekly extended benefit amount payable to an individual for
30 a week of total unemployment in the individual's eligibility period shall
31 be an amount equal to the weekly benefit amount payable to the
32 individual during the individual's applicable benefit period; prior to any
33 reduction of such weekly benefit amount.

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

- 39 (1) five percent (5%) of the first one thousand dollars (\$1,000) of
- 40 the individual's wage credits in the calendar quarter during the
- 41 individual's base period in which the wage credits were highest;
- 42 and

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

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

6 (e) With respect to initial claims filed for any week beginning on
 7 and after July 7, 1991, and before July 5, 1992, the weekly benefit
 8 amount may not exceed:

9 (1) one hundred sixteen dollars (\$116) if the eligible and qualified
 10 individual has no dependents;

11 (2) one hundred thirty-four dollars (\$134) if the eligible and
 12 qualified individual has one (1) dependent;

13 (3) one hundred fifty-three dollars (\$153) if the eligible and
 14 qualified individual has two (2) dependents; or

15 (4) one hundred seventy-one dollars (\$171) if the eligible and
 16 qualified individual has three (3) or more dependents.

17 (f) With respect to initial claims filed for any week beginning on
 18 and after July 5, 1992, and before July 4, 1993, the weekly benefit
 19 amount may not exceed:

20 (1) one hundred forty dollars (\$140) if the eligible and qualified
 21 individual has no dependents;

22 (2) one hundred sixty dollars (\$160) if the eligible and qualified
 23 individual has one (1) dependent; or

24 (3) one hundred eighty-one dollars (\$181) if the eligible and
 25 qualified individual has two (2) or more dependents.

26 (g) With respect to initial claims filed for any week beginning on
 27 and after July 4, 1993, and before July 3, 1994, the weekly benefit
 28 amount may not exceed:

29 (1) one hundred seventy dollars (\$170) if the eligible and
 30 qualified individual has no dependents; or

31 (2) one hundred ninety-two dollars (\$192) if the eligible and
 32 qualified individual has one (1) or more dependents.

33 (h) With respect to initial claims filed for any week beginning on or
 34 after July 3, 1994, and before July 1, 1995, the weekly benefit amount
 35 may not exceed two hundred two dollars (\$202).

36 (i) With respect to initial claims filed for any week on or after July
 37 1, 1995, the weekly benefit amount will equal the amount that results
 38 from applying the percentages provided in subsections (j) through (k)
 39 to the applicable maximum wage credits under IC 22-4-4-3.

40 (j) With respect to initial claims filed for any week beginning on and
 41 after July 1, 1995, and before July 1, 1997, each eligible individual who
 42 is totally unemployed (as defined in IC 22-4-3-1) in any week in the

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1 individual's benefit period shall be paid for the week, if properly
2 claimed; benefits at the rate of:

3 (1) five percent (5%) of the first one thousand seven hundred fifty
4 dollars (\$1,750) of the individual's wage credits in the calendar
5 quarter during the individual's base period in which the wage
6 credits were highest; and

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

10 However, the weekly benefit amount may not exceed the amount
11 specified in subsection (i):

12 ~~(k)~~ (a) With respect to initial claims filed for any week beginning on
13 and after July 1, 1997, **and before October 1, 2011**, each eligible
14 individual who is totally unemployed (as defined in IC 22-4-3-1) in any
15 week in the individual's benefit period shall be paid for the week, if
16 properly claimed, benefits at the rate of:

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

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

24 **(b) With respect to initial claims filed for any week beginning on
25 and after October 1, 2011, each eligible individual who is totally
26 unemployed (as defined in IC 22-4-3-1) in any week in the
27 individual's benefit period shall be paid for the week, if properly
28 claimed, an amount equal to forty-seven percent (47%) of the
29 individual's prior average weekly wage, rounded (if not already a
30 multiple of one dollar (\$1)) to the next lower dollar. However, the
31 maximum weekly benefit amount may not exceed three hundred
32 ninety dollars (\$390).**

33 **(c) For purposes of this section, "prior average weekly wage"
34 means the result of:**

35 **(1) the individual's total wage credits during the individual's
36 base period; divided by**

37 **(2) fifty-two (52).**

38 SECTION 8. IC 22-4-14-1, AS AMENDED BY P.L.138-2008,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 1. (a) Except as provided in IC 22-4-5-1 or
41 subsection (b) or (c), an unemployed individual shall be eligible to
42 receive benefits with respect to any week only if the individual has

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1 made a claim for benefits in accordance with IC 22-4-17.
 2 (b) A person who:
 3 (1) accepts a layoff under an inverse seniority clause of a validly
 4 negotiated contract; and
 5 (2) otherwise meets the eligibility requirements established by
 6 this article;
 7 is entitled to receive benefits in the same amounts, under the same
 8 terms, and subject to the same conditions as any other unemployed
 9 person.

10 (c) **This subsection applies to initial claims for unemployment**
 11 **filed for a week that begins after March 14, 2008, and before**
 12 **October 1, 2011.** This subsection does not apply to a person who elects
 13 to retire in connection with a layoff or plant closure and receive
 14 pension, retirement, or annuity payments. Except as provided in
 15 IC 22-4-5-1, a person who:

16 (1) accepts an offer of payment or other compensation offered by
 17 an employer to avert or lessen the effect of a layoff or plant
 18 closure; and
 19 (2) otherwise meets the eligibility requirements established by
 20 this article;
 21 is entitled to receive benefits in the same amounts, under the same
 22 terms, and subject to the same conditions as any other unemployed
 23 person.

24 SECTION 9. IC 22-4-14-7 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Benefits based on
 26 service in employment defined in IC 22-4-8-2(i) and IC 22-4-8-2(j)
 27 shall be payable in the same amount, on the terms, and subject to the
 28 same conditions as compensation payable on the basis of other service
 29 subject to this article, unless otherwise specifically provided, subject
 30 to the following exceptions:

31 **(1) For purposes of this subsection, "educational institution"**
 32 **includes a governmental entity or nonprofit organization**
 33 **providing services funded by the Head Start program under**
 34 **42 U.S.C. 9831 et seq. or the Early Head Start program under**
 35 **42 U.S.C. 9840(a).**

36 ~~(1)~~ **(2)** With respect to service performed in an instructional,
 37 research, or principal administrative capacity for an educational
 38 institution, benefits may not be paid based on the service for any
 39 week of unemployment commencing during the period between
 40 two (2) successive academic years, or terms, or during the period
 41 between two (2) regular but not successive terms, or during a
 42 period of paid sabbatical leave provided for in the individual's

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1 contract, to any individual if the individual performs the services
 2 in the first of the academic years or terms and if there is a
 3 reasonable assurance that the individual will perform services in
 4 an instructional, research, or principal administrative capacity for
 5 any educational institution in the second of the academic years or
 6 terms.

7 ~~(2)~~ **(3)** With respect to services performed in any capacity (other
 8 than those listed in subdivision ~~(1)~~ **of this section** ~~(2)~~) for an
 9 educational institution, benefits may not be paid based on the
 10 service of an individual for any week which commences during
 11 a period between two (2) successive academic years or terms if
 12 the individual performs the service in the first of the academic
 13 years or terms and there is reasonable assurance that the
 14 individual will perform the service in the second of the academic
 15 years or terms. However, with respect to weeks of unemployment
 16 beginning on or after January 1, 1984, if compensation is denied
 17 to any individual under this subdivision and the individual was
 18 not offered an opportunity to perform such services for the
 19 educational institution for the second of the academic years or
 20 terms, the individual is entitled to a retroactive payment of
 21 compensation for each week for which the individual filed a
 22 timely claim for compensation and for which compensation was
 23 denied solely by reason of this subdivision.

24 ~~(3)~~ **(4)** With respect to any services described in ~~subdivisions (1)~~
 25 **subdivision (2)** or ~~(2)~~ **of this section**; ~~(3)~~, compensation payable
 26 for these services shall be denied to any individual for any week
 27 which commences during an established and customary vacation
 28 period or holiday recess if there is reasonable assurance that the
 29 individual will perform the services in the period immediately
 30 following the vacation period or holiday recess.

31 ~~(4)~~ **(5)** With respect to any services described in subdivisions ~~(1)~~
 32 **(2)** and ~~(2)~~, ~~(3)~~, benefits shall not be payable on the basis of
 33 services in any such capacities as specified in subdivisions ~~(1)~~;
 34 ~~(2)~~, ~~and~~ ~~(3)~~, **and (4)** to any individual who performed such
 35 services in an educational institution while in the employ of an
 36 educational service agency. For purposes of this subdivision, the
 37 term "educational service agency" means a governmental agency
 38 or governmental entity that is established and operated
 39 exclusively for the purpose of providing such services to one (1)
 40 or more educational institutions.

41 (b) For purposes of this section, benefits may not be denied during
 42 the period between academic years or terms to any individual having

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1 wage credits earned with other than an educational institution if the
 2 wage credits qualify the individual under section 5 of this chapter and
 3 the individual is otherwise eligible. In these cases, the claim shall be
 4 computed based on the wage credits earned with employers other than
 5 educational institutions reported for the individual during the base
 6 period, in accordance with IC 22-4-12-2 and IC 22-4-12-4. Benefits
 7 paid based on the computation shall be only for weeks of
 8 unemployment occurring between academic years or terms. For any
 9 weeks of unemployment claims other than between academic years or
 10 terms, the claims of these individuals shall be recomputed to include
 11 all base period wages.

12 SECTION 10. IC 22-4-14-12 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) This section applies, after**
 15 **September 30, 2011, to an individual who is subject to a planned**
 16 **shutdown. This section does not apply to an individual if the**
 17 **individual performs services for an employer at any time during**
 18 **the employer's planned shutdown.**

19 (b) As used in this section, "planned shutdown" means a specific
 20 period during which an individual does not perform services for an
 21 employer because of the employer's decision to intentionally and
 22 temporarily suspend all or part of the employer's operations.

23 (c) An individual is subject to a planned shutdown when all of
 24 the following apply to the individual:

25 (1) The individual performs services for the employer before
 26 the planned shutdown begins.

27 (2) The individual receives from the employer a written
 28 communication listing the specific dates during a planned
 29 shutdown that the individual will not be performing services
 30 for the employer.

31 (3) The individual receives the written communication
 32 described in subdivision (2) in one (1) of the following forms:

33 (A) By a written notice, signed and dated as received by the
 34 individual, at the time of hire by the employer.

35 (B) By an agreement signed by both the individual and the
 36 employer at least six (6) months before a planned
 37 shutdown is scheduled to begin.

38 (C) By a written notice signed and dated as received by the
 39 individual at least one (1) year before the date a planned
 40 shutdown is scheduled to begin, if there is no written
 41 agreement under clause (B).

42 (4) The individual has a reasonable assurance that the

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1 individual will perform services for the employer after the
 2 planned shutdown ends.
 3 (d) After June 30, 2011, an individual may not receive benefits
 4 for a week of unemployment that begins during a planned
 5 shutdown based in whole or in part on services the individual
 6 performed for the employer undergoing the planned shutdown.
 7 (e) An individual may receive benefits for a week of
 8 unemployment that begins during a planned shutdown, if the
 9 individual:
 10 (1) has earned sufficient wage credits under section 5 of this
 11 chapter during the individual's base period with an employer
 12 other than the employer undergoing a planned shutdown; and
 13 (2) is otherwise eligible to receive benefits under this article.
 14 (f) If an individual receives benefits under subsection (e), the
 15 individual's benefit must be computed under IC 22-4-12-2 and
 16 22-4-12-4 using wage credits earned during the individual's base
 17 period with an employer other than the employer undergoing a
 18 planned shutdown. Wage credits earned by the individual with an
 19 employer undergoing a planned shutdown may not be used in the
 20 computation of an individual's benefits under subsection (e).
 21 (g) The benefit computation specified in subsections (e) and (f)
 22 applies only to benefits computed and paid for a week of
 23 unemployment that begins during a planned shutdown. For a week
 24 of unemployment that does not begin during a planned shutdown,
 25 the individual's benefit computation includes all base period wages.
 26 SECTION 11. An emergency is declared for this act.

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