
HOUSE BILL No. 1561

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4-14.

Synopsis: Conditions for receiving unemployment benefits. Requires that an individual must submit at least one application for work in each week for which the individual is claiming benefits. Specifies that an individual who submits an application for work online through an Internet web site complies with this requirement. Requires, as a condition for receiving an unemployment insurance benefit each week after the fourth benefit week, that an unemployed individual must be available to perform, and perform if requested by the department of workforce development, community service for a qualified entity. Provides that the maximum number of hours of community service increases as follows: for the 5th through 12th benefit weeks, 10 hours; for the 13th through 24th benefit weeks, 20 hours; and for the 25th and later benefit weeks, 40 hours. Provides that a qualified entity may not replace employees with unemployed individuals performing community service.

Effective: July 1, 2011.

McMillin, Leonard, Speedy

January 20, 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. 1561



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 22-4-14-3, AS AMENDED BY P.L.110-2010,
- 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 3. (a) An individual who is receiving benefits as
- 4 determined under IC 22-4-15-1(c)(8) may restrict the individual's
- 5 availability because of the individual's need to address the physical,
- 6 psychological, or legal effects of being a victim of domestic or family
- 7 violence (as defined in IC 31-9-2-42).
- 8 (b) An unemployed individual shall be eligible to receive benefits
- 9 with respect to any week only if the individual **satisfies all the**
- 10 **following conditions:**
- 11 (1) **The individual** is physically and mentally able to work.
- 12 (2) **The individual** is available for work.
- 13 (3) ~~is found by the department to be making an effort to secure~~
- 14 ~~full-time work; and~~
- 15 **(3) The individual submits at least one (1) application for**
- 16 **work in each week for which the individual is claiming**
- 17 **benefits. An individual who submits online through an**



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Internet web site an application for work complies with this requirement.

(4) participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the department, unless the department determines that:

(A) the individual has completed the reemployment services; or

(B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

(4) For all weeks after the fourth week the individual receives benefits, the individual is available to perform, and performs if requested by the department, community service for a qualified entity (as defined in section 3.5 of this chapter).

The term "effort to secure full-time work" shall be defined by the department through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, If an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week, the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

(1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment, or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;

(2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;

(3) that such individual is suspended for misconduct in connection with the individual's work; or

(4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening

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1 between regular school terms during which the individual is a
2 student. However, this subdivision does not apply to any
3 individual who is attending a regularly established school, has
4 been regularly employed and upon becoming unemployed makes
5 an effort to secure full-time work and is available for suitable
6 full-time work with the individual's last employer, or is available
7 for any other full-time employment deemed suitable.

8 (d) Notwithstanding any other provisions in this section or
9 IC 22-4-15-2, no otherwise eligible individual shall be denied benefits
10 for any week because the individual is in training with the approval of
11 the department, nor shall such individual be denied benefits with
12 respect to any week in which the individual is in training with the
13 approval of the department by reason of the application of the
14 provisions of this section with respect to the availability for work or
15 active search for work or by reason of the application of the provisions
16 of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept,
17 suitable work. The department shall by rule prescribe the conditions
18 under which approval of such training will be granted.

19 (e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an
20 otherwise eligible individual shall not be denied benefits for any week
21 or determined not able, available, and actively seeking work, because
22 the individual is responding to a summons for jury service. The
23 individual shall:

24 (1) obtain from the court proof of the individual's jury service;
25 and

26 (2) provide to the department, in the manner the department
27 prescribes by rule, proof of the individual's jury service.

28 SECTION 2. IC 22-4-14-3.5 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2011]: **Sec. 3.5. (a) This section applies to claims for benefits filed
31 for a week that begins after June 30, 2011.**

32 **(b) As used in this section, "community service" means work
33 that helps meet critical community needs that are not being met by
34 a qualified entity's current work force in areas such as education,
35 public safety, social services, health, and the environment.**

36 **(c) As used in this section, "qualified entity" means any of the
37 following:**

38 **(1) The executive, legislative, or judicial branches of state
39 government or an agency, board, commission, department,
40 division, institution, office, or other instrumentality of the
41 state government.**

42 **(2) A political subdivision (as defined in IC 36-1-2-13) or an**

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1 agency, board, commission, department, division, institution,
 2 office, or other instrumentality of a unit of local government.
 3 **(3) A nonprofit organization that is exempt from federal**
 4 **income taxation under Section 501(c)(3) of the Internal**
 5 **Revenue Code.**
 6 **The term does not include a for-profit organization.**
 7 **(d) For a week after the fourth week the individual receives**
 8 **benefits under this article, as a condition for receiving benefits for**
 9 **that week, the individual must be available to perform, and must**
 10 **perform if requested by the department, community service for a**
 11 **qualified entity for the number of hours specified in subsection (e).**
 12 **(e) The maximum number of hours that an individual may be**
 13 **required to perform community service during a week is as**
 14 **follows:**
 15 **(1) For the fifth through the twelfth benefit weeks, ten (10)**
 16 **hours.**
 17 **(2) For the thirteenth through twenty-fourth benefit weeks,**
 18 **twenty (20) hours.**
 19 **(3) For the twenty-fifth and later benefit weeks, forty (40)**
 20 **hours.**
 21 **(f) A qualified entity may not replace employees in its work**
 22 **force with unemployed individuals performing community service**
 23 **under this section.**
 24 **(g) The department shall develop and implement a program to**
 25 **match unemployed individuals with qualified entities having**
 26 **community service projects.**
 27 **(h) The department may adopt rules under IC 4-22-2 that it**
 28 **considers appropriate or necessary to implement this section.**

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