



Reprinted
January 26, 2011

SENATE BILL No. 196

DIGEST OF SB 196 (Updated January 25, 2011 2:28 pm - DI 96)

Citations Affected: IC 22-4.

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.

Effective: July 1, 2011.

Boots, Charbonneau

January 5, 2011, read first time and referred to Committee on Pensions and Labor.
January 20, 2011, reported favorably — Do Pass.
January 25, 2011, read second time, amended, ordered engrossed.

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SB 196—LS 6409/DI 96+



Reprinted
January 26, 2011

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) With respect to service performed in an instructional,
9 research, or principal administrative capacity for an educational
10 institution, benefits may not be paid based on the service for any
11 week of unemployment commencing during the period between
12 two (2) successive academic years, or terms, or during the period
13 between two (2) regular but not successive terms, or during a
14 period of paid sabbatical leave provided for in the individual's
15 contract, to any individual if the individual performs the services
16 in the first of the academic years or terms and if there is a
17 reasonable assurance that the individual will perform services in

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an instructional, research, or principal administrative capacity for any educational institution in the second of the academic years or terms.

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

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

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

(5) For services to which 26 U. S.C. 3309(a)(1) applies, if the services are provided to or on behalf of an educational institution, compensation payable based on the services may be denied as specified in subdivisions (1), (2), (3), and (4).

(b) For purposes of this section, benefits may not be denied during

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 196 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 8, Nays 1.

 SENATE MOTION

Madam President: I move that Senate Bill 196 be amended to read as follows:

- Page 1, delete lines 8 through 12.
- Page 1, line 13, reset in roman "(1)".
- Page 1, line 13, delete "(2)".
- Page 2, line 9, reset in roman "(2)".
- Page 2, line 9, delete "(3)".
- Page 2, line 10, delete "(1)" and insert "(1))".
- Page 2, line 10, delete "(2))".
- Page 2, line 26, reset in roman "(3)".
- Page 2, line 26, delete "(4)".
- Page 2, line 26, after "subdivisions" insert "**subdivision**".
- Page 2, line 26, reset in roman "(1)".
- Page 2, line 27, delete "subdivision (2)".
- Page 2, line 27, after "or" reset in roman "(2)".
- Page 2, line 27, after "or (2)" insert ",".
- Page 2, line 27, delete "(3),".
- Page 2, line 33, reset in roman "(4)".
- Page 2, line 33, delete "(5)".
- Page 2, line 33, reset in roman "(1)".
- Page 2, line 34, before "and" delete "(2)".
- Page 2, line 34, reset in roman "(2),".
- Page 2, line 34, delete "(3),".
- Page 2, line 35, reset in roman "(1),".
- Page 2, line 36, after "(2)," reset in roman "and".
- Page 2, line 36, delete "and (4)".
- Page 2, after line 42, begin a new line block indented and insert:
"(5) For services to which 26 U. S.C. 3309(a)(1) applies, if the

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services are provided to or on behalf of an educational institution, compensation payable based on the services may be denied as specified in subdivisions (1), (2), (3), and (4)."

(Reference is to SB 196 as printed January 21, 2011.)

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