HOUSE BILL No. 1023

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4-2-2; IC 22-4-15.

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 7, 2013, read first time and referred to Committee on Employment, Labor and Pensions.

C o p y

Introduced

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1023

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:

SECTION 1. IC 22-4-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. "Partial ~~benefits"~~ **benefit"** means the weekly benefit ~~amounts~~ **amount, computed and paid under IC 22-4-15-4(b) or IC 22-4-15-4.5,** of ~~any~~ **an** eligible individual. ~~who is partially and/or part-totally unemployed, less the deductible income as hereinafter defined.~~

SECTION 2. IC 22-4-15-4, AS AMENDED BY P.L.2-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An individual shall be ineligible for waiting period or benefit rights for any week with respect to which the individual receives, is receiving, or has received payments equal to or exceeding the individual's weekly benefit amount in the form of:

(1) deductible income as defined and applied in IC 22-4-5-1 and IC 22-4-5-2; or

(2) any pension, retirement, or annuity payments, under any plan of an employer whereby the employer contributes a portion or all of the money. The following apply to a disqualification under this

subdivision:

(A) The disqualification shall apply only if some or all of the benefits otherwise payable:

(i) are chargeable to the experience or reimbursable account of such employer; or

(ii) would have been chargeable except for the application of this chapter.

(B) Notwithstanding clause (A), the disqualification does not apply to a distribution from a pension, retirement, or annuity plan of an employer when an individual uses the distribution to satisfy a severe financial hardship resulting from an unforeseeable emergency that is the result of events beyond the individual's control.

(C) Federal old age, survivors, and disability insurance benefits are not considered payments under a plan of an employer whereby the employer maintains the plan or contributes a portion or all of the money to the extent required by federal law.

(b) **This subsection applies if an eligible individual does not qualify for a partial benefit under section 4.5 of this chapter.** If the payments described in subsection (a) are less than an individual's weekly benefit amount, an otherwise eligible individual shall not be ineligible and shall be entitled to receive for such week benefits reduced by the amount of such payments.

(c) This section does not preclude an individual from delaying a claim to pension, retirement, or annuity payments until the individual has received the benefits to which the individual would otherwise be eligible under this chapter. Weekly benefits received before the date the individual elects to retire shall not be reduced by any pension, retirement, or annuity payments received on or after the date the individual elects to retire.

SECTION 3. IC 22-4-15-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) This section applies to an individual who:**

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

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

(3) is otherwise eligible to receive a benefit for a week in which the individual is eligible to receive a partial benefit under this section.

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

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

(2) forty dollars ($40).

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

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

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