

# HOUSE BILL No. 1431

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## 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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**Smith M, Morris, Morrison**

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January 22, 2013, read first time and referred to Committee on Employment, Labor and Pensions.

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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.

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# HOUSE BILL No. 1431



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~~ **benefit**"  
3 means the weekly benefit ~~amounts~~ **amount, computed and paid**  
4 **under IC 22-4-15-4(b) or IC 22-4-15-4.5**, of ~~any an~~ eligible  
5 individual. ~~who is partially and/or part-totally unemployed, less the~~  
6 ~~deductible income as hereinafter defined.~~

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

13 (1) deductible income as defined and applied in IC 22-4-5-1 and  
14 IC 22-4-5-2; or  
15 (2) any pension, retirement, or annuity payments, under any plan  
16 of an employer whereby the employer contributes a portion or all  
17 of the money. The following apply to a disqualification under this



- 1 subdivision:  
 2 (A) The disqualification shall apply only if some or all of the  
 3 benefits otherwise payable:  
 4 (i) are chargeable to the experience or reimbursable account  
 5 of such employer; or  
 6 (ii) would have been chargeable except for the application  
 7 of this chapter.  
 8 (B) Notwithstanding clause (A), the disqualification does not  
 9 apply to a distribution from a pension, retirement, or annuity  
 10 plan of an employer when an individual uses the distribution  
 11 to satisfy a severe financial hardship resulting from an  
 12 unforeseeable emergency that is the result of events beyond  
 13 the individual's control.  
 14 (C) Federal old age, survivors, and disability insurance  
 15 benefits are not considered payments under a plan of an  
 16 employer whereby the employer maintains the plan or  
 17 contributes a portion or all of the money to the extent required  
 18 by federal law.  
 19 (b) **This subsection applies if an eligible individual does not**  
 20 **qualify for a partial benefit under section 4.5 of this chapter.** If the  
 21 payments described in subsection (a) are less than an individual's  
 22 weekly benefit amount, an otherwise eligible individual shall not be  
 23 ineligible and shall be entitled to receive for such week benefits  
 24 reduced by the amount of such payments.  
 25 (c) This section does not preclude an individual from delaying a  
 26 claim to pension, retirement, or annuity payments until the individual  
 27 has received the benefits to which the individual would otherwise be  
 28 eligible under this chapter. Weekly benefits received before the date  
 29 the individual elects to retire shall not be reduced by any pension,  
 30 retirement, or annuity payments received on or after the date the  
 31 individual elects to retire.  
 32 SECTION 3. IC 22-4-15-4.5 IS ADDED TO THE INDIANA CODE  
 33 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 34 **UPON PASSAGE]: Sec. 4.5. (a) This section applies to an individual**  
 35 **who:**  
 36 **(1) has been totally unemployed (as defined in IC 22-4-3-1)**  
 37 **and is not otherwise job attached;**  
 38 **(2) accepts work that pays less than the weekly benefit amount**  
 39 **the individual is eligible to receive under this article; and**  
 40 **(3) is otherwise eligible to receive a benefit for a week in**  
 41 **which the individual is eligible to receive a partial benefit**  
 42 **under this section.**

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1           **(b) For a week in which an eligible individual receives**  
2 **remuneration for services from an employing unit that is less than**  
3 **the individual's weekly benefit amount for that week, the**  
4 **individual is entitled to receive a partial benefit, rounded down to**  
5 **the nearest whole dollar, that is equal to the difference between:**  
6           **(1) the amount of the individual's remuneration; and**  
7           **(2) the individual's weekly benefit amount.**  
8           **(c) Notwithstanding any other provision of this article or any**  
9 **other law, if an individual meets the requirements of subsection (a)**  
10 **each week, the individual may receive a partial benefit computed**  
11 **under this section for that week if the individual would be**  
12 **otherwise eligible to receive a benefit under this article.**  
13           **SECTION 4. An emergency is declared for this act.**

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