

IC 22-4-3

Chapter 3. Unemployment Defined

IC 22-4-3-1

"Totally unemployed" defined

Sec. 1. An individual shall be deemed "totally unemployed" in any week with respect to which no remuneration was payable to him for personal services.

(Formerly: Acts 1947, c.208, s.301; Acts 1953, c.177, s.9.)

IC 22-4-3-2

"Partially unemployed" defined

Sec. 2. An individual is "partially unemployed" when, because of lack of available work, he is working less than his normal customary full-time hours for his regular employer and his remuneration is less than his weekly benefit amount in any calendar week, but no individual shall be deemed totally, part-totally, or partially unemployed in any week which he is regularly and customarily employed full-time on a straight commission basis.

(Formerly: Acts 1947, c.208, s.302.)

IC 22-4-3-3

Exceptions; on call or as needed employment

Sec. 3. An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the individual:

- (1) is regularly and customarily employed on an on-call or as needed basis; and
- (2) has:
 - (A) remuneration for personal services payable to the individual; or
 - (B) work available from the individual's on-call or as needed employer.

As added by P.L.2-2011, SEC.1.

IC 22-4-3-4

Exception; vacation period with remuneration

Sec. 4. (a) An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds that the individual is:

- (1) on a vacation week; and
- (2) receiving, or has received, remuneration from the employer for that week.

(b) Subsection (a) does not apply to an individual whose employer fails to comply with a department rule or policy regarding the filing of a notice, report, information, or claim in connection with an individual, group, or mass separation arising from the vacation period.

As added by P.L.2-2011, SEC.2.

IC 22-4-3-5

Exception; vacation period without remuneration by agreement or policy

Sec. 5. (a) An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds the individual:

- (1) is on a vacation week; and
- (2) has not received remuneration from the employer for that week, because of:
 - (A) a written contract between the employer and the employees; or
 - (B) the employer's regular vacation policy and practice.

(b) Subsection (a) applies only if the department finds that the individual has a reasonable assurance that the individual will have employment available with the employer after the vacation period ends.

(c) Subsection (a) does not apply to an individual whose employer fails to comply with a department rule or policy regarding the filing of a notice, report, information, or claim in connection with an individual, group, or mass separation arising from the vacation period.

As added by P.L.2-2011, SEC.3.