

HOUSE BILL No. 1344

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4; IC 22-4.1.

Synopsis: Unemployment insurance. Abolishes the Indiana unemployment compensation board and transfers the board's duties to the department of workforce development. Provides that an individual who becomes unemployed in connection with a layoff or plant shutdown that does not have a definite end date is entitled to receive unemployment benefits (benefits), if the individual otherwise meets the eligibility requirements to do so. Provides that for calendar years beginning after December 31, 2016, Schedule C applies in determining and assigning each employer's contribution rate until Schedule D, E, F, G, H, or I is determined to be the applicable schedule to determine and assign each employer's contribution rate. Provides that not later than the fourth week after the week an individual begins receiving benefits, the individual must visit and receive an orientation to the services available through a one stop center in order to maintain eligibility to receive benefits. Makes conforming amendments.

Effective: July 1, 2016.

Leonard

January 12, 2016, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1344

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 IC 22-4-2-3 IS REPEALED [EFFECTIVE JULY 1,
- 2 2016]. Sec. 3. "Board" means the unemployment insurance board
- 3 established by this article.
- 4 SECTION 2. IC 22-4-2-34, AS AMENDED BY P.L.12-2011,
- 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2016]: Sec. 34. (a) With respect to benefits for weeks of
- 7 unemployment beginning after August 13, 1981, "extended benefit
- 8 period" means a period which begins with the third week after a week
- 9 for which there is a state "on" indicator and ends with the later of the
- 10 following:
- 11 (1) The third week after the first week for which there is a state
- 12 "off" indicator.
- 13 (2) The thirteenth consecutive week of such period.
- 14 (b) However, no extended benefit period may begin by reason of a
- 15 state "on" indicator before the fourteenth week following the end of a
- 16 prior extended benefit period which was in effect with respect to this
- 17 state.



1 (c) There is a state "on" indicator for this state for a week if the
2 commissioner determines, in accordance with the regulations of the
3 United States Secretary of Labor, that for the period consisting of such
4 week and the immediately preceding twelve (12) weeks, the rate of
5 insured unemployment (not seasonally adjusted) under this article:

- 6 (1) equaled or exceeded one hundred twenty percent (120%) of
7 the average of such rates for the corresponding 13-week period
8 ending in each of the preceding two (2) calendar years; and
9 (2) equaled or exceeded five percent (5%).

10 However, the determination of whether there has been a state "on" or
11 "off" indicator beginning or ending any extended benefit period shall
12 be made under this subsection as if it did not contain subdivision (1) if
13 the insured unemployment rate is at least six percent (6%). Any week
14 for which there would otherwise be a state "on" indicator shall continue
15 to be such a week and may not be determined to be a week for which
16 there is a state "off" indicator.

17 (d) In addition to the test for a state "on" indicator under subsection
18 (c), there is a state "on" indicator for this state for a week if:

- 19 (1) the average rate of total unemployment in Indiana, seasonally
20 adjusted, as determined by the United States Secretary of Labor,
21 for the period consisting of the most recent three (3) months for
22 which data for all states are published before the close of the
23 week, equals or exceeds six and five-tenths percent (6.5%); and
24 (2) the average rate of total unemployment in Indiana, seasonally
25 adjusted, as determined by the United States Secretary of Labor,
26 for the three (3) month period referred to in subdivision (1) equals
27 or exceeds one hundred ten percent (110%) of the average for
28 either or both of the corresponding three (3) month periods ending
29 in the two (2) preceding calendar years.

30 There is a state "off" indicator for a week if either of the requirements
31 in subdivisions (1) and (2) are not satisfied. However, any week for
32 which there would otherwise be a state "on" indicator under this section
33 continues to be subject to the "on" indicator and shall not be considered
34 a week for which there is a state "off" indicator. This subsection expires
35 on the later of December 5, 2009, or the week ending four (4) weeks
36 before the last week for which federal sharing is authorized by Section
37 2005(a) of Division B, Title II (the federal Assistance to Unemployed
38 Workers and Struggling Families Act) of the federal American
39 Recovery and Reinvestment Act of 2009 (P.L. 111-5).

40 (e) There is a state "off" indicator for this state for a week if the
41 commissioner determines, in accordance with the regulations of the
42 United States Secretary of Labor, that for the period consisting of such



1 week and the immediately preceding twelve (12) weeks, the
2 requirements of subsection (c) have not been met.

3 (f) With respect to benefits for weeks of unemployment beginning
4 after August 13, 1981, "rate of insured unemployment," for purposes
5 of subsection (c), means the percentage derived by dividing:

6 (1) the average weekly number of individuals filing claims for
7 regular compensation in this state for weeks of unemployment
8 with respect to the most recent 13 consecutive week period (as
9 determined by the **board department** on the basis of this state's
10 reports to the United States Secretary of Labor); by

11 (2) the average monthly employment covered under this article
12 for the first four (4) of the most recent six (6) completed calendar
13 quarters ending before the end of such 13-week period.

14 (g) "Regular benefits" means benefits payable to an individual under
15 this article or under the law of any other state (including benefits
16 payable to federal civilian employees and to ex-servicemen pursuant to
17 5 U.S.C. 8501 through 8525) other than extended benefits. "Additional
18 benefits" means benefits other than extended benefits and which are
19 totally financed by a state payable to exhaustees by reason of
20 conditions of high unemployment or by reason of other special factors
21 under the provisions of any state law. If extended compensation is
22 payable to an individual by this state and additional compensation is
23 payable to the individual for the same week by any state, the individual
24 may elect which of the two (2) types of compensation to claim.

25 (h) "Extended benefits" means benefits (including benefits payable
26 to federal civilian employees and to ex-servicemen pursuant to 5
27 U.S.C. 8501 through 8525) payable to an individual under the
28 provisions of this article for weeks of unemployment in the individual's
29 "eligibility period". Pursuant to Section 3304 of the Internal Revenue
30 Code extended benefits are not payable to interstate claimants filing
31 claims in an agent state which is not in an extended benefit period,
32 against the liable state of Indiana when the state of Indiana is in an
33 extended benefit period. This prohibition does not apply to the first two
34 (2) weeks claimed that would, but for this prohibition, otherwise be
35 payable. However, only one (1) such two (2) week period will be
36 granted on an extended claim. Notwithstanding any other provisions of
37 this chapter, with respect to benefits for weeks of unemployment
38 beginning after October 31, 1981, if the benefit year of any individual
39 ends within an extended benefit period, the remaining balance of
40 extended benefits that the individual would, but for this clause, be
41 entitled to receive in that extended benefit period, with respect to
42 weeks of unemployment beginning after the end of the benefit year,



1 shall be reduced (but not below zero (0)) by the product of the number
2 of weeks for which the individual received any amounts as trade
3 readjustment allowances within that benefit year, multiplied by the
4 individual's weekly benefit amount for extended benefits.

5 (i) "Eligibility period" of an individual means the period consisting
6 of the weeks in the individual's benefit period which begin in an
7 extended benefit period and, if the individual's benefit period ends
8 within such extended benefit period, any weeks thereafter which begin
9 in such extended benefit period. For any weeks of unemployment
10 beginning after February 17, 2009, and before January 1, 2012, an
11 individual's eligibility period (as described in Section 203(c) of the
12 Federal-State Unemployment Compensation Act of 1970) is, for
13 purposes of any determination of eligibility for extended compensation
14 under state law, considered to include any week that begins:

15 (1) after the date as of which the individual exhausts all rights to
16 emergency unemployment compensation; and

17 (2) during an extended benefit period that began on or before the
18 date described in subdivision (1).

19 (j) "Exhaustee" means an individual who, with respect to any week
20 of unemployment in the individual's eligibility period:

21 (1) has received, prior to such week, all of the regular benefits
22 including dependent's allowances that were available to the
23 individual under this article or under the law of any other state
24 (including benefits payable to federal civilian employees and
25 ex-servicemen under 5 U.S.C. 8501 through 8525) in the
26 individual's current benefit period that includes such week.
27 However, for the purposes of this subsection, an individual shall
28 be deemed to have received all of the regular benefits that were
29 available to the individual although as a result of a pending appeal
30 with respect to wages that were not considered in the original
31 monetary determination in the individual's benefit period or
32 although a nonmonetary decision denying benefits is pending, the
33 individual may subsequently be determined to be entitled to
34 added regular benefits;

35 (2) may be entitled to regular benefits with respect to future
36 weeks of unemployment but such benefits are not payable with
37 respect to such week of unemployment by reason of seasonal
38 limitations in any state unemployment insurance law; or

39 (3) having had the individual's benefit period expire prior to such
40 week, has no, or insufficient, wages on the basis of which the
41 individual could establish a new benefit period that would include
42 such week;



1 and has no right to unemployment benefits or allowances, as the case
2 may be, under the Railroad Unemployment Insurance Act, the Trade
3 Act of 1974, the Automotive Products Trade Act of 1965 and such
4 other federal laws as are specified in regulations issued by the United
5 States Secretary of Labor, and has not received and is not seeking
6 unemployment benefits under the unemployment compensation law of
7 Canada; but if the individual is seeking such benefits and the
8 appropriate agency finally determines that the individual is not entitled
9 to benefits under such law, the individual is considered an exhaustee.

10 (k) "State law" means the unemployment insurance law of any state,
11 approved by the United States Secretary of Labor under Section 3304
12 of the Internal Revenue Code.

13 (l) With respect to compensation for weeks of unemployment
14 beginning after March 1, 2011, and ending on the later of December
15 10, 2011, or the week ending four (4) weeks before the last week for
16 which federal sharing is authorized by Section 2005(a) of Division B,
17 Title II (the federal Assistance to Unemployed and Struggling Families
18 Act) of the federal American Recovery and Reinvestment Act of 2009
19 (P.L. 111-5), in addition to the tests for a state "on" indicator under
20 subsections (c) and (d), there is a state "on" indicator for a week if:

21 (1) the average rate of insured unemployment for the period
22 consisting of the week and the immediately preceding twelve (12)
23 weeks equals or exceeds five percent (5%); and

24 (2) the average rate of insured unemployment for the period
25 consisting of the week and the immediately preceding twelve (12)
26 weeks equals or exceeds one hundred twenty percent (120%) of
27 the average rates of insured unemployment for the corresponding
28 thirteen (13) week period ending in each of the preceding three
29 (3) calendar years.

30 (m) There is a state "off" indicator for a week based on the rate of
31 insured unemployment only if the rate of insured unemployment for the
32 period consisting of the week and the immediately preceding twelve
33 (12) weeks does not result in an "on" indicator under subsection (c)(1).

34 (n) With respect to compensation for weeks of unemployment
35 beginning after March 1, 2011, and ending on the later of December
36 10, 2011, or the week ending four (4) weeks before the last week for
37 which federal sharing is authorized by Section 2005(a) of Division B,
38 Title II (the federal Assistance to Unemployed and Struggling Families
39 Act) of the federal American Recovery and Reinvestment Act of 2009
40 (P.L. 111-5), in addition to the tests for a state "on" indicator under
41 subsections (c), (d), and (l) there is a state "on" indicator for a week if:

42 (1) the average rate of total unemployment (seasonally adjusted),



1 as determined by the United States Secretary of Labor, for the
 2 period consisting of the most recent three (3) months for which
 3 data for all states are published before the close of the week
 4 equals or exceeds six and one-half percent (6.5%); and

5 (2) the average rate of total unemployment in Indiana (seasonally
 6 adjusted), as determined by the United States Secretary of Labor,
 7 for the three (3) month period referred to in subdivision (1) equals
 8 or exceeds one hundred ten percent (110%) of the average for any
 9 or all of the corresponding three (3) month periods ending in the
 10 three (3) preceding calendar years.

11 (o) There is a state "off" indicator for a week based on the rate of
 12 total unemployment only if the rate of total unemployment for the
 13 period consisting of the most recent three (3) months for which data for
 14 all states are published before the close of the week does not result in
 15 an "on" indicator under subsection (d)(1).

16 SECTION 3. IC 22-4-3-5, AS AMENDED BY P.L.121-2014,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2016]: Sec. 5. (a) Subject to **subsections (b) and (c)**, an
 19 individual is not totally unemployed, part-totally unemployed, or
 20 partially unemployed for any week in which the department finds the
 21 individual:

22 (1) is on a vacation week; and

23 (2) has not received remuneration from the employer for that
 24 week, because of:

25 (A) a written contract between the employer and the
 26 employees; or

27 (B) the employer's regular vacation policy and practice.

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

31 **(c) Subsection (a) does not apply to an individual who becomes**
 32 **unemployed in connection with a layoff or plant shutdown that**
 33 **does not have a definite end date. If the individual otherwise meets**
 34 **the eligibility requirements established by this article, the**
 35 **individual is entitled to receive benefits in the same amount, under**
 36 **the same terms, and subject to the same conditions as any other**
 37 **unemployed person.**

38 SECTION 4. IC 22-4-4-1 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2016]: Sec. 1. "Remuneration" whenever used
 40 in this article, unless the context clearly denotes otherwise, means all
 41 compensation for personal services, including but not limited to
 42 commissions, bonuses, dismissal pay, vacation pay, sick pay (subject



1 to the provisions of section 2(b)(2) of this chapter) payments in lieu of
 2 compensation for services, and cash value of all compensation paid in
 3 any medium other than cash. The reasonable cash value of
 4 compensation paid in any medium other than cash may be estimated
 5 and determined in accordance with rules prescribed by the ~~board~~
 6 **department**. Such term shall not, however, include the value of meals,
 7 lodging, books, tuition, or educational facilities furnished to a student
 8 while such student is attending an established school, college,
 9 university, hospital, or training course for services performed within
 10 the regular school term or school year, including the customary
 11 vacation days or periods falling within such school term or school year.

12 SECTION 5. IC 22-4-7-1, AS AMENDED BY P.L.121-2014,
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2016]: Sec. 1. (a) Before January 1, 2015, "employer" means:

15 (1) any employing unit which for some portion of a day, but not
 16 necessarily simultaneously, in each of twenty (20) different
 17 weeks, whether or not such weeks are or were consecutive within
 18 either the current or the preceding year, has or had in
 19 employment, and/or has incurred liability for wages payable to,
 20 one (1) or more individuals (irrespective of whether the same
 21 individual or individuals are or were employed in each such day);
 22 or

23 (2) any employing unit which in any calendar quarter in either the
 24 current or preceding calendar year paid for service in employment
 25 wages of one thousand five hundred dollars (\$1,500) or more,
 26 except as provided in section 2(e), 2(h), and 2(i) of this chapter.

27 (b) After December 31, 2014, "employer" means either of the
 28 following:

29 (1) An employing unit that has incurred liability for wages
 30 payable to one (1) or more individuals.

31 (2) An employing unit that in any calendar quarter during the
 32 current or preceding calendar year paid for service in employment
 33 wages of one dollar (\$1) or more, except as provided in section
 34 2(e), 2(h), and 2(i) of this chapter.

35 (c) For the purpose of this definition, if any week includes both
 36 December 31, and January 1, the days up to January 1 shall be deemed
 37 one (1) calendar week and the days beginning January 1 another such
 38 week.

39 (d) For purposes of this section, "employment" shall include
 40 services which would constitute employment but for the fact that such
 41 services are deemed to be performed entirely within another state
 42 pursuant to an election under an arrangement entered into by the ~~board~~



1 **department** (pursuant to IC 22-4-22) and an agency charged with the
 2 administration of any other state or federal unemployment
 3 compensation law.

4 SECTION 6. IC 22-4-8-3, AS AMENDED BY P.L.2-2007,
 5 SECTION 292, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2016]: Sec. 3. "Employment" shall not include
 7 the following:

8 (1) Except as provided in section 2(i) of this chapter, service
 9 performed prior to January 1, 1978, in the employ of this state,
 10 any other state, any town or city, or political subdivision, or any
 11 instrumentality of any of them, other than service performed in
 12 the employ of a municipally owned public utility as defined in this
 13 article; or service performed in the employ of the United States of
 14 America, or an instrumentality of the United States immune under
 15 the Constitution of the United States from the contributions
 16 imposed by this article, except that to the extent that the Congress
 17 of the United States shall permit states to require any
 18 instrumentalities of the United States to make payments into an
 19 unemployment fund under a state unemployment compensation
 20 statute, all of the provisions of this article shall be applicable to
 21 such instrumentalities, in the same manner, to the same extent,
 22 and on the same terms as to all other employers, employing units,
 23 individuals, and services. However, if this state shall not be
 24 certified for any year by the Secretary of Labor under Section
 25 3304 of the Internal Revenue Code the payments required of such
 26 instrumentalities with respect to such year shall be refunded by
 27 the commissioner from the fund in the same manner and within
 28 the same period as is provided in IC 22-4-32-19 with respect to
 29 contribution erroneously paid or wrongfully assessed.

30 (2) Service with respect to which unemployment compensation is
 31 payable under an unemployment compensation system
 32 established by an Act of Congress; however, the department is
 33 authorized to enter into agreements with the proper agencies
 34 under such Act of Congress which agreements shall become
 35 effective ten (10) days after publication thereof, in accordance
 36 with rules adopted by the department under IC 4-22-2, to provide
 37 reciprocal treatment to individuals who have, after acquiring
 38 potential rights to benefits under this article, acquired rights to
 39 unemployment compensation under such Act of Congress, or who
 40 have, after having acquired potential rights to unemployment
 41 compensation under such Act of Congress, acquired rights to
 42 benefits under this article.



1 (3) "Agricultural labor" as provided in section 2(l)(1) of this
2 chapter shall include only services performed:

3 (A) on a farm, in the employ of any person, in connection with
4 cultivating the soil or in connection with raising or harvesting
5 any agricultural or horticultural commodity, including the
6 raising, shearing, feeding, caring for, training, and
7 management of livestock, bees, poultry, and furbearing
8 animals and wildlife;

9 (B) in the employ of the owner or tenant or other operator of
10 a farm, in connection with the operation, management,
11 conservation, improvement, or maintenance of such farm and
12 its tools and equipment, or in salvaging timber or clearing land
13 of brush and other debris left by a hurricane, if the major part
14 of such service is performed on a farm;

15 (C) in connection with the production or harvesting of any
16 commodity defined as an agricultural commodity in Section
17 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g))
18 as amended, or in connection with the operation or
19 maintenance of ditches, canals, reservoirs, or waterways, not
20 owned or operated for profit, used exclusively for supplying
21 and storing water for farming purposes;

22 (D) in the employ of:

23 (i) the operator of a farm in handling, planting, drying,
24 packing, packaging, processing, freezing, grading, storing,
25 or delivering to storage or to market or to a carrier for
26 transportation to market, in its unmanufactured state, any
27 agricultural or horticultural commodity; but only if such
28 operator produced more than one-half (1/2) of the
29 commodity with respect to which such service is performed;
30 or

31 (ii) a group of operators of farms (or a cooperative
32 organization of which such operators are members) in the
33 performance of service described in item (i), but only if such
34 operators produce more than one-half (1/2) of the
35 commodity with respect to which such service is performed;
36 except the provisions of items (i) and (ii) shall not be deemed
37 to be applicable with respect to service performed in
38 connection with commercial canning or commercial freezing
39 or in connection with any agricultural or horticultural
40 commodity after its delivery to a terminal market for
41 distribution for consumption; or

42 (E) on a farm operated for profit if such service is not in the



- 1 course of the employer's trade or business or is domestic
 2 service in a private home of the employer.
- 3 (4) As used in subdivision (3), "farm" includes stock, dairy,
 4 poultry, fruit, furbearing animals, and truck farms, nurseries,
 5 orchards, greenhouses, or other similar structures used primarily
 6 for the raising of agricultural or horticultural commodities.
- 7 (5) Domestic service in a private home, local college club, or
 8 local chapter of a college fraternity or sorority, except as provided
 9 in section 2(m) of this chapter.
- 10 (6) Service performed on or in connection with a vessel or aircraft
 11 not an American vessel or American aircraft, if the employee is
 12 employed on and in connection with such vessel or aircraft when
 13 outside the United States.
- 14 (7) Service performed by an individual in the employ of child or
 15 spouse, and service performed by a child under the age of
 16 twenty-one (21) in the employ of a parent.
- 17 (8) Service not in the course of the employing unit's trade or
 18 business performed in any calendar quarter by an individual,
 19 unless the cash remuneration paid for such service is fifty dollars
 20 (\$50) or more and such service is performed by an individual who
 21 is regularly employed by such employing unit to perform such
 22 service. For the purposes of this subdivision, an individual shall
 23 be deemed to be regularly employed to perform service not in the
 24 course of an employing unit's trade or business during a calendar
 25 quarter only if:
- 26 (A) on each of some of twenty-four (24) days during such
 27 quarter such individual performs such service for some portion
 28 of the day; or
- 29 (B) such individual was regularly employed (as determined
 30 under clause (A)) by such employing unit in the performance
 31 of such service during the preceding calendar quarter.
- 32 (9) Service performed by an individual in any calendar quarter in
 33 the employ of any organization exempt from income tax under
 34 Section 501 of the Internal Revenue Code (except those services
 35 included in sections 2(i) and 2(j) of this chapter if the
 36 remuneration for such service is less than fifty dollars (\$50)).
- 37 (10) Service performed in the employ of a hospital, if such service
 38 is performed by a patient of such hospital.
- 39 (11) Service performed in the employ of a school or eligible
 40 postsecondary educational institution if the service is performed:
- 41 (A) by a student who is enrolled and is regularly attending
 42 classes at the school or eligible postsecondary educational



- 1 institution; or
2 (B) by the spouse of such a student, if such spouse is advised,
3 at the time such spouse commences to perform such service,
4 that:
- 5 (i) the employment of such spouse to perform such service
6 is provided under a program to provide financial assistance
7 to such student by the school or eligible postsecondary
8 educational institution; and
 - 9 (ii) such employment will not be covered by any program of
10 unemployment insurance.
- 11 (12) Service performed by an individual who is enrolled at a
12 nonprofit or public educational institution which normally
13 maintains a regular faculty and curriculum and normally has a
14 regularly organized body of students in attendance at the place
15 where its educational activities are carried on as a student in a
16 full-time program, taken for credit at such institution, which
17 combines academic instruction with work experience, if such
18 service is an integral part of such program, and such institution
19 has so certified to the employer, except that this subdivision shall
20 not apply to service performed in a program established for or on
21 behalf of an employer or group of employers.
- 22 (13) Service performed in the employ of a government foreign to
23 the United States of America, including service as a consular or
24 other officer or employee or a nondiplomatic representative.
- 25 (14) Service performed in the employ of an instrumentality
26 wholly owned by a government foreign to that of the United
27 States of America, if the service is of a character similar to that
28 performed in foreign countries by employees of the United States
29 of America or of an instrumentality thereof, and if the **board**
30 **department** finds that the Secretary of State of the United States
31 has certified to the Secretary of the Treasury of the United States
32 that the government, foreign to the United States, with respect to
33 whose instrumentality exemption is claimed, grants an equivalent
34 exemption with respect to similar service performed in such
35 country by employees of the United States and of
36 instrumentalities thereof.
- 37 (15) Service performed as a student nurse in the employ of a
38 hospital or nurses' training school by an individual who is
39 enrolled and is regularly attending classes in a nurses' training
40 school chartered or approved pursuant to state law; and service
41 performed as an intern in the employ of a hospital by an
42 individual who has completed a four (4) year course in a medical



- 1 school chartered or approved pursuant to state law.
- 2 (16) Service performed by an individual as an insurance producer
- 3 or as an insurance solicitor, if all such service performed by such
- 4 individual is performed for remuneration solely by way of
- 5 commission.
- 6 (17) Service performed by an individual:
- 7 (A) under the age of eighteen (18) in the delivery or
- 8 distribution of newspapers or shopping news, not including
- 9 delivery or distribution to any point for subsequent delivery or
- 10 distribution; or
- 11 (B) in, and at the time of, the sale of newspapers or magazines
- 12 to ultimate consumers, under an arrangement under which the
- 13 newspapers or magazines are to be sold by the individual at a
- 14 fixed price, the individual's compensation being based on the
- 15 retention of the excess of such price over the amount at which
- 16 the newspapers or magazines are charged to the individual,
- 17 whether or not the individual is guaranteed a minimum amount
- 18 of compensation for such service, or is entitled to be credited
- 19 with the unsold newspapers or magazines turned back.
- 20 (18) Service performed in the employ of an international
- 21 organization.
- 22 (19) Except as provided in IC 22-4-7-1, services covered by an
- 23 election duly approved by the agency charged with the
- 24 administration of any other state or federal unemployment
- 25 compensation law in accordance with an arrangement pursuant to
- 26 IC 22-4-22-1 through IC 22-4-22-5, during the effective period of
- 27 such election.
- 28 (20) If the service performed during one-half (1/2) or more of any
- 29 pay period by an individual for an employing unit constitutes
- 30 employment, all the services of such individual for such period
- 31 shall be deemed to be employment; but if the services performed
- 32 during more than one-half (1/2) of any pay period by such an
- 33 individual do not constitute employment, then none of the
- 34 services of such individual for such period shall be deemed to be
- 35 employment. As used in this subsection, "pay period" means a
- 36 period of not more than thirty-one (31) consecutive days for
- 37 which a payment of remuneration is ordinarily made to the
- 38 individual by the employing unit. This subsection shall not be
- 39 applicable with respect to services performed in a pay period by
- 40 any such individual where any such service is excepted by
- 41 subdivision (2).
- 42 (21) Service performed by an inmate of a custodial or penal



1 institution.

2 (22) Service performed as a precinct election officer (as defined
3 in IC 3-5-2-40.1).

4 SECTION 7. IC 22-4-9-6 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2016]: Sec. 6. Every employer subject to this
6 article or who has ceased to be subject to this article pursuant to section
7 2 of this chapter shall post and maintain printed notices thereof on its
8 premises of such design, in such numbers, and at such places as the
9 **board department** may determine to be necessary to give such notice
10 to persons in its service and may furnish for such purposes. Such
11 employer shall also cause to be distributed to employees any booklets,
12 pamphlets, leaflets, or other literature or materials supplied and
13 furnished to such employer by the department and which contain
14 instructions to employees on the filing of claims or which relate to the
15 rights of employees under this article and are deemed by the **board**
16 **department** to promote the proper and efficient administration of this
17 article.

18 SECTION 8. IC 22-4-11-2, AS AMENDED BY P.L.183-2015,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2016]: Sec. 2. (a) Except as provided in IC 22-4-10-6 and
21 IC 22-4-11.5, the department shall for each year determine the
22 contribution rate applicable to each employer.

23 (b) The balance shall include contributions with respect to the
24 period ending on the computation date and actually paid on or before
25 July 31 immediately following the computation date and benefits
26 actually paid on or before the computation date and shall also include
27 any voluntary payments made in accordance with IC 22-4-10-5 or
28 IC 22-4-10-5.5 (repealed):

29 (1) for each calendar year, an employer's rate shall be determined
30 in accordance with the rate schedules in section 3.3 or 3.5 of this
31 chapter; and

32 (2) for each calendar year, an employer's rate shall be two and
33 five-tenths percent (2.5%), except as otherwise provided in
34 subsection (g) or IC 22-4-37-3, unless:

35 (A) the employer has been subject to this article throughout
36 the thirty-six (36) consecutive calendar months immediately
37 preceding the computation date;

38 (B) there has been some annual payroll in each of the three (3)
39 twelve (12) month periods immediately preceding the
40 computation date; and

41 (C) the employer has properly filed all required contribution
42 and wage reports, and all contributions, penalties, and interest



- 1 due and owing by the employer or the employer's predecessors
 2 have been paid.
- 3 (c) In addition to the conditions and requirements set forth and
 4 provided in subsection (b)(2)(A), (b)(2)(B), and (b)(2)(C), an
 5 employer's rate is equal to the sum of the employer's contribution rate
 6 determined or estimated by the department under this article plus two
 7 percent (2%) unless all required contributions and wage reports have
 8 been filed within thirty-one (31) days following the computation date
 9 and all contributions, penalties, and interest due and owing by the
 10 employer or the employer's predecessor for periods before and
 11 including the computation date have been paid:
- 12 (1) within thirty-one (31) days following the computation date; or
 13 (2) within ten (10) days after the department has given the
 14 employer a written notice by registered mail to the employer's last
 15 known address of:
- 16 (A) the delinquency; or
 17 (B) failure to file the reports;
- 18 whichever is the later date. The ~~board~~ **department** or the ~~board's~~
 19 **department's** designee may waive the imposition of rates under this
 20 subsection if the ~~board~~ **department** finds the employer's failure to meet
 21 the deadlines was for excusable cause. The department shall give
 22 written notice to the employer before this additional condition or
 23 requirement shall apply. An employer's rate under this subsection may
 24 not exceed twelve percent (12%).
- 25 (d) However, if the employer is the state or a political subdivision
 26 of the state or any instrumentality of a state or a political subdivision,
 27 or any instrumentality which is wholly owned by the state and one (1)
 28 or more other states or political subdivisions, the employer may
 29 contribute at a rate of one and six-tenths percent (1.6%) until it has
 30 been subject to this article throughout the thirty-six (36) consecutive
 31 calendar months immediately preceding the computation date.
- 32 (e) On the computation date every employer who had taxable wages
 33 in the previous calendar year shall have the employer's experience
 34 account charged with the amount determined under the following
 35 formula:
- 36 STEP ONE: Divide:
- 37 (A) the employer's taxable wages for the preceding calendar
 38 year; by
 39 (B) the total taxable wages for the preceding calendar year.
- 40 STEP TWO: Subtract:
- 41 (A) the amount described in IC 22-4-10-4.5(e)(2), if any; from
 42 (B) the total amount of benefits charged to the fund under



1 section 1 of this chapter.
 2 STEP THREE: Multiply the quotient determined under STEP
 3 ONE by the difference determined under STEP TWO.
 4 (f) One (1) percentage point of the rate imposed under subsection
 5 (c), or the amount of the employer's payment that is attributable to the
 6 increase in the contribution rate, whichever is less, shall be imposed as
 7 a penalty that is due and shall be deposited upon collection into the
 8 special employment and training services fund established under
 9 IC 22-4-25-1. The remainder of the contributions paid by an employer
 10 pursuant to the maximum rate shall be:
 11 (1) considered a contribution for the purposes of this article; and
 12 (2) deposited in the unemployment insurance benefit fund
 13 established under IC 22-4-26.
 14 (g) Except as otherwise provided in IC 22-4-37-3, this subsection,
 15 instead of subsection (b)(2), applies to an employer in the construction
 16 industry. As used in the subsection, "construction industry" means
 17 business establishments whose proper primary classification in the
 18 current edition of the North American Industry Classification System
 19 Manual - United States, published by the National Technical
 20 Information Service of the United States Department of Commerce is
 21 23 (construction). For each calendar year beginning after December 31,
 22 2013, an employer's rate shall be equal to the lesser of four percent
 23 (4%) or the average of the contribution rates paid by all employers in
 24 the construction industry subject to this article during the twelve (12)
 25 months preceding the computation date, unless:
 26 (1) the employer has been subject to this article throughout the
 27 thirty-six (36) consecutive calendar months immediately
 28 preceding the computation date;
 29 (2) there has been some annual payroll in each of the three (3)
 30 twelve (12) month periods immediately preceding the
 31 computation date; and
 32 (3) the employer has properly filed all required contribution and
 33 wage reports, and all contributions, penalties, and interest due and
 34 owing by the employer or the employer's predecessors have been
 35 paid.
 36 SECTION 9. IC 22-4-11-3, AS AMENDED BY P.L.6-2012,
 37 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The applicable schedule of
 39 rates for calendar years before January 1, 2011, shall be determined by
 40 the ratio resulting when the balance in the fund as of the determination
 41 date is divided by the total payroll of all subject employers for the
 42 immediately preceding calendar year. Schedule A, B, C, or D,



1 appearing on the line opposite the fund ratio in the schedule below,
 2 shall be applicable in determining and assigning each employer's
 3 contribution rate for the calendar year immediately following the
 4 determination date. For the purposes of this subsection, "total payroll"
 5 means total remuneration reported by all contributing employers as
 6 required by this article and does not include the total payroll of any
 7 employer who elected to become liable for payments in lieu of
 8 contributions (as defined in IC 22-4-2-32). For the purposes of this
 9 subsection, "subject employers" means those employers who are
 10 subject to contribution.

11 FUND RATIO SCHEDULE

12 When the Fund Ratio Is:

13			Applicable
14	As Much As	But Less Than	Schedule
15		1.0%	A
16	1.0%	1.5%	B
17	1.5%	2.25%	C
18	2.25%		D

19 (b) Except as provided in subsection (c), the applicable schedule of
 20 rates for calendar years after December 31, 2010, shall be determined
 21 by the ratio resulting when the balance in the fund as of the
 22 determination date is divided by the total payroll of all subject
 23 employers for the immediately preceding calendar year. Schedules A
 24 through I appearing on the line opposite the fund ratio in the schedule
 25 below are applicable in determining and assigning each employer's
 26 contribution rate for the calendar year immediately following the
 27 determination date. For purposes of this subsection, "total payroll"
 28 means total remuneration reported by all contributing employers as
 29 required by this article and does not include the total payroll of any
 30 employer who elected to become liable for payments in lieu of
 31 contributions (as defined in IC 22-4-2-32). For purposes of this
 32 subsection, "subject employers" means those employers who are
 33 subject to contribution.

34 FUND RATIO SCHEDULE

35 When the Fund Ratio Is:

36			Applicable
37	As Much As	But Less Than	Schedule
38		0.2%	A
39	0.2%	0.4%	B
40	0.4%	0.6%	C
41	0.6%	0.8%	D
42	0.8%	1.0%	E



1	1.0%	1.2%	F
2	1.2%	1.4%	G
3	1.4%	1.6%	H
4	1.6%		I

5 (c) For calendar years ~~2011 through 2020~~, **beginning after**
6 **December 31, 2016**, Schedule E ~~C~~ applies in determining and
7 assigning each employer's contribution rate **until Schedule D, E, F, G,**
8 **H, or I is determined under subsection (b) to be the applicable**
9 **schedule to determine and assign each employer's contribution**
10 **rate.**

11 (d) Any adjustment in the amount charged to any employer's
12 experience account made subsequent to the assignment of rates of
13 contributions for any calendar year shall not operate to alter the amount
14 charged to the experience accounts of any other base-period employers.

15 SECTION 10. IC 22-4-12-4, AS AMENDED BY P.L.12-2011,
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2016]: Sec. 4. (a) Benefits shall be computed upon the basis
18 of wage credits of an individual in the individual's base period. Wage
19 credits shall be reported by the employer and credited to the individual
20 in the manner prescribed by the ~~board~~ **department**. With respect to
21 initial claims filed for any week beginning on and after July 7, 1991,
22 the maximum total amount of benefits payable to any eligible
23 individual during any benefit period shall not exceed twenty-six (26)
24 times the individual's weekly benefit, or twenty-eight percent (28%) of
25 the individual's wage credits with respect to the individual's base
26 period, whichever is less. If such maximum total amount of benefits is
27 not a multiple of one dollar (\$1), it shall be computed to the next lower
28 multiple of one dollar (\$1).

29 (b) Except as provided in subsection (d), the total extended benefit
30 amount payable to any eligible individual with respect to the
31 individual's applicable benefit period shall be fifty percent (50%) of the
32 total amount of regular benefits (including dependents' allowances)
33 which were payable to the individual under this article in the applicable
34 benefit year, or thirteen (13) times the weekly benefit amount
35 (including dependents' allowances) which was payable to the individual
36 under this article for a week of total unemployment in the applicable
37 benefit year, whichever is the lesser amount.

38 (c) This subsection applies to individuals who file a disaster
39 unemployment claim or a state unemployment insurance claim after
40 June 1, 1990, and before June 2, 1991, or during another time specified
41 in another state statute. An individual is entitled to thirteen (13) weeks
42 of additional benefits, as originally determined, if:



- 1 (1) the individual has established:
 2 (A) a disaster unemployment claim under the Stafford Disaster
 3 Relief and Emergency Assistance Act; or
 4 (B) a state unemployment insurance claim as a direct result of
 5 a major disaster;
 6 (2) all regular benefits and all disaster unemployment assistance
 7 benefits:
 8 (A) have been exhausted by the individual; or
 9 (B) are no longer payable to the individual due to the
 10 expiration of the disaster assistance period; and
 11 (3) the individual remains unemployed as a direct result of the
 12 disaster.

13 (d) For purposes of this subsection, "high unemployment period"
 14 means a period during which an extended benefit period would be in
 15 effect if IC 22-4-2-34(d)(1) were applied by substituting "eight percent
 16 (8%)" for "six and five-tenths percent (6.5%)". Effective with respect
 17 to weeks beginning in a high unemployment period, the total extended
 18 benefit amount payable to an eligible individual with respect to the
 19 applicable benefit year is equal to the least of the following amounts:

- 20 (1) Eighty percent (80%) of the total amount of regular benefits
 21 that were payable to the eligible individual under this article in
 22 the applicable benefit year.
 23 (2) Twenty (20) times the weekly benefit amount that was payable
 24 to the eligible individual under this article for a week of total
 25 unemployment in the applicable benefit year.
 26 (3) Forty-six (46) times the weekly benefit amount that was
 27 payable to the eligible individual under this article for a week of
 28 total unemployment in the applicable benefit year, reduced by the
 29 regular unemployment compensation benefits paid (or deemed
 30 paid) during the benefit year.

31 This subsection expires on the later of December 5, 2009, or the week
 32 ending four (4) weeks before the last week for which federal sharing is
 33 authorized by Section 2005(a) of Division B, Title II (the federal
 34 Assistance to Unemployed Workers and Struggling Families Act) of
 35 the federal American Recovery and Reinvestment Act of 2009 (P.L.
 36 111-5).

37 (e) For purposes of this subsection, "high unemployment period"
 38 means a period during which an extended benefit period would be in
 39 effect if IC 22-4-2-34(n)(1) were applied by substituting "eight percent
 40 (8%)" for "six and one-half percent (6.5%)". Effective with respect to
 41 weeks of unemployment beginning after March 1, 2011, and ending on
 42 the later of December 10, 2011, or the week ending four (4) weeks



1 before the last week for which federal sharing is authorized by Section
 2 2005(a) of Division B, Title II (the federal Assistance to Unemployed
 3 and Struggling Families Act) of the federal American Recovery and
 4 Reinvestment Act of 2009 (P.L. 111-5), in a high unemployment
 5 period, the total extended benefit amount payable to an eligible
 6 individual with respect to the applicable benefit year is equal to the
 7 lesser of the following amounts:

8 (1) Eighty percent (80%) of the total amount of regular benefits
 9 that were payable to the eligible individual under this article in
 10 the applicable benefit year.

11 (2) Twenty (20) times the weekly benefit amount that was payable
 12 to the eligible individual under this article for a week of total
 13 unemployment in the applicable benefit year.

14 SECTION 11. IC 22-4-12-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this
 16 section, the term "part-time worker" means an individual whose normal
 17 work is in an occupation in which ~~his~~ **the individual's** services are not
 18 required for the customary scheduled full-time hours prevailing in the
 19 establishment in which ~~he~~ **the individual** is employed, or who, owing
 20 to personal circumstances, does not customarily work the customary
 21 scheduled full-time hours prevailing in the establishment in which ~~he~~
 22 **the individual** is employed.

23 (b) The ~~board~~ **department** may prescribe rules applicable to
 24 part-time workers for determining their weekly benefit amount and the
 25 wage credits required to qualify such individuals for benefits. Such
 26 rules shall, with respect to such individuals, supersede any inconsistent
 27 provisions of this article, but, so far as practicable, shall secure results
 28 reasonably equivalent to those provided in the analogous provisions of
 29 this article.

30 SECTION 12. IC 22-4-14-3, AS AMENDED BY P.L.195-2015,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2016]: Sec. 3. (a) An individual who is receiving benefits as
 33 determined under IC 22-4-15-1(c)(8) may restrict the individual's
 34 availability because of the individual's need to address the physical,
 35 psychological, or legal effects of being a victim of domestic or family
 36 violence (as defined in IC 31-9-2-42).

37 (b) An unemployed individual shall be eligible to receive benefits
 38 with respect to any week only if the individual:

39 (1) is physically and mentally able to work;

40 (2) is available for work;

41 (3) is found by the department to be making an effort to secure
 42 full-time work; and



1 (4) participates in reemployment services and reemployment and
 2 eligibility assessment activities **as required by section 3.2 of this**
 3 **chapter or** when directed by the department as provided under
 4 section 3.5 of this chapter, unless the department determines that:

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

6 or

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

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

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

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

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

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

33 (4) that such individual is in attendance at a regularly established
 34 public or private school during the customary hours of the
 35 individual's occupation or is in any vacation period intervening
 36 between regular school terms during which the individual is a
 37 student. However, this subdivision does not apply to any
 38 individual who is attending a regularly established school, has
 39 been regularly employed and upon becoming unemployed makes
 40 an effort to secure full-time work and is available for suitable
 41 full-time work with the individual's last employer, or is available
 42 for any other full-time employment deemed suitable.



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

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

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

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

21 SECTION 13. IC 22-4-14-3.2 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2016]: **Sec. 3.2. For purposes of section 3 of**
 24 **this chapter, not later than the fourth week after the week an**
 25 **individual begins receiving benefits, the individual must visit and**
 26 **receive an orientation to the services available through a one stop**
 27 **center (as defined by IC 22-4.1-1-5).**

28 SECTION 14. IC 22-4-14-11 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) For weeks of
 30 unemployment occurring after October 1, 1983, benefits may be paid
 31 to an individual on the basis of service performed in seasonal
 32 employment (as defined in IC 22-4-8-4) only if the claim is filed within
 33 the operating period of the seasonal employment. If the claim is filed
 34 outside the operating period of the seasonal employment, benefits may
 35 be paid on the basis of nonseasonal wages only.

36 (b) An employer shall file an application for a seasonal
 37 determination (as defined by IC 22-4-7-3) with the department of
 38 workforce development. A seasonal determination shall be made by the
 39 department within ninety (90) days after the filing of such an
 40 application. Until a seasonal determination by the department has been
 41 made in accordance with this section, no employer or worker may be
 42 considered seasonal.



1 (c) Any interested party may file an appeal regarding a seasonal
2 determination within fifteen (15) calendar days after the determination
3 by the department and obtain review of the determination in
4 accordance with IC 22-4-32.

5 (d) Whenever an employer is determined to be a seasonal employer,
6 the following provisions apply:

7 (1) The seasonal determination becomes effective the first day of
8 the calendar quarter commencing after the date of the seasonal
9 determination.

10 (2) The seasonal determination does not affect any benefit rights
11 of seasonal workers with respect to employment before the
12 effective date of the seasonal determination.

13 (e) If a seasonal employer, after the date of its seasonal
14 determination, operates its business or its seasonal operation during a
15 period or periods of twenty-six (26) weeks or more in a calendar year,
16 the employer shall be determined by the department to have lost its
17 seasonal status with respect to that business or operation effective at
18 the end of the then current calendar quarter. The redetermination shall
19 be reported in writing to the employer. Any interested party may file an
20 appeal within fifteen (15) calendar days after the redetermination by
21 the department and obtain review of the redetermination in accordance
22 with IC 22-4-32.

23 (f) Seasonal employers shall keep account of wages paid to seasonal
24 workers within the seasonal period as determined by the department
25 and shall report these wages on a special seasonal quarterly report form
26 provided by the department.

27 (g) The ~~board~~ **department** shall adopt rules applicable to seasonal
28 employers for determining their normal seasonal period or periods.

29 SECTION 15. IC 22-4-17-5, AS AMENDED BY P.L.175-2009,
30 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2016]: Sec. 5. (a) The governor shall appoint a review board
32 composed of three (3) members, not more than two (2) of whom shall
33 be members of the same political party, with salaries to be fixed by the
34 governor. The review board shall consist of the chairman and the two
35 (2) members who shall serve for terms of three (3) years. At least one
36 (1) member must be admitted to the practice of law in Indiana.

37 (b) Any claim pending before an administrative law judge, and all
38 proceedings therein, may be transferred to and determined by the
39 review board upon its own motion, at any time before the
40 administrative law judge announces a decision. ~~Any claim pending
41 before either an administrative law judge or the review board may be
42 transferred to the board for determination at the direction of the board:~~



1 If the review board considers it advisable to procure additional
 2 evidence, it may direct the taking of additional evidence within a time
 3 period it shall fix. An employer that is a party to a claim transferred to
 4 the review board ~~or the board~~ under this subsection is entitled to
 5 receive notice in accordance with section 6 of this chapter of the
 6 transfer or any other action to be taken under this section before a
 7 determination is made or other action concerning the claim is taken.

8 (c) Any proceeding so removed to the review board shall be heard
 9 by a quorum of the review board in accordance with the requirements
 10 of section 3 of this chapter. The review board shall notify the parties to
 11 any claim of its decision, together with its reasons for the decision.

12 (d) Members of the review board, when acting as administrative law
 13 judges, are subject to section 15 of this chapter.

14 (e) The review board may on the board's own motion affirm, modify,
 15 set aside, remand, or reverse the findings, conclusions, or orders of an
 16 administrative law judge on the basis of any of the following:

17 (1) Evidence previously submitted to the administrative law
 18 judge.

19 (2) The record of the proceeding after the taking of additional
 20 evidence as directed by the review board.

21 (3) A procedural error by the administrative law judge.

22 SECTION 16. IC 22-4-17-7, AS AMENDED BY P.L.108-2006,
 23 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2016]: Sec. 7. In the discharge of the duties imposed by this
 25 article, ~~any member of the board~~, the department, the review board, ~~or~~
 26 an administrative law judge, or any duly authorized representative of
 27 any of them, shall have power to administer oaths and affirmations,
 28 take depositions, certify to official acts, and issue and serve subpoenas
 29 to compel the attendance of witnesses and the production of books,
 30 papers, correspondence, memoranda, and other records deemed
 31 necessary as evidence in connection with the disputed claim or the
 32 administration of this article.

33 SECTION 17. IC 22-4-17-8, AS AMENDED BY P.L.108-2006,
 34 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2016]: Sec. 8. In case of contumacy by, or refusal to obey a
 36 subpoena issued to, any person in the administration of this article, any
 37 court of this state within the jurisdiction of which the inquiry is carried
 38 on or within the jurisdiction of which said person guilty of contumacy
 39 or refusal to obey is found or resides or transacts business, upon
 40 application by ~~the board~~, the department, ~~or~~ the review board, or a duly
 41 authorized representative of ~~any~~ **either** of these, shall have jurisdiction
 42 to issue to such person an order requiring such person to appear before



1 ~~the board~~; the department, the review board, an administrative law
 2 judge, or the duly authorized representative of any of these, there to
 3 produce evidence if so ordered, or there to give testimony touching the
 4 matter in question or under investigation. Any failure to obey such
 5 order of the court may be punished by said court as a contempt thereof.

6 SECTION 18. IC 22-4-17-9, AS AMENDED BY P.L.108-2006,
 7 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2016]: Sec. 9. No person shall be excused from attending and
 9 testifying or from producing books, papers, correspondence,
 10 memoranda, and other records before ~~the board~~; the department, the
 11 review board, an administrative law judge, or the duly authorized
 12 representative of any of them, in obedience to the subpoena of any of
 13 them in any cause or proceeding before any of them on the ground that
 14 the testimony or evidence, documentary or otherwise, required of the
 15 person may tend to incriminate the person or subject the person to a
 16 penalty or forfeiture, but no individual shall be prosecuted or subjected
 17 to any penalty or forfeiture for or on account of any transaction, matter,
 18 or thing concerning which the person is compelled after having claimed
 19 the privilege against self-incrimination to testify or produce evidence,
 20 documentary or otherwise, except that such individual so testifying
 21 shall not be exempt from prosecution and punishment for perjury
 22 committed in so testifying. Any testimony or evidence submitted in due
 23 course before ~~the board~~; the department, the review board, an
 24 administrative law judge, or any duly authorized representative of any
 25 of them, shall be deemed a communication presumptively privileged
 26 with respect to any civil action except actions to enforce the provisions
 27 of this article.

28 SECTION 19. IC 22-4-17-14, AS AMENDED BY P.L.108-2006,
 29 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2016]: Sec. 14. (a) This section applies to notices given under
 31 sections 2, 3, 11, and 12 of this chapter. This section does not apply to
 32 rules adopted by ~~the board~~ or the department, unless specifically
 33 provided.

34 (b) As used in this section, "notices" includes mailings of notices,
 35 determinations, decisions, orders, motions, or the filing of any
 36 document with the appellate division or review board.

37 (c) If a notice is served through the United States mail, three (3)
 38 days must be added to a period that commences upon service of that
 39 notice.

40 (d) The filing of a document with the appellate division or review
 41 board is complete on the earliest of the following dates that apply to the
 42 filing:



1 (1) The date on which the document is delivered to the appellate
2 division or review board.

3 (2) The date of the postmark on the envelope containing the
4 document if the document is mailed to the appellate division or
5 review board by the United States Postal Service.

6 (3) The date on which the document is deposited with a private
7 carrier, as shown by a receipt issued by the carrier, if the
8 document is sent to the appellate division or review board by a
9 private carrier.

10 SECTION 20. IC 22-4-17-15 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) An
12 administrative law judge may not preside over or otherwise participate
13 in the hearing or disposition of an appeal in which the judge's
14 impartiality might reasonably be questioned, including instances where
15 the judge:

16 (1) has:

17 (A) personal bias or prejudice concerning a party; or

18 (B) personal knowledge of disputed evidentiary facts
19 concerning the appeal;

20 (2) has served as a lawyer in the matter in controversy; or

21 (3) knows that the judge has any direct or indirect financial or
22 other interest in the subject matter of an appeal or in a party to the
23 appeal.

24 (b) Disqualification of an administrative law judge shall be in
25 accordance with the rules adopted by the ~~Indiana unemployment~~
26 ~~insurance board.~~ **department.**

27 (c) This subsection does not apply to the disposition of ex parte
28 matters specifically authorized by statute or rule. An administrative law
29 judge may not communicate, directly or indirectly, regarding any
30 substantive issue in the appeal while the appeal is pending, with any
31 party to the appeal, or with any individual who has a direct or indirect
32 interest in the outcome of the appeal, without notice and opportunity
33 for all parties to participate in the communication.

34 SECTION 21. IC 22-4-18-1, AS AMENDED BY P.L.69-2015,
35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2016]: Sec. 1. (a) There is created a department under
37 IC 22-4.1-2-1 which shall be known as the department of workforce
38 development.

39 (b) The department of workforce development may:

40 (1) Administer the unemployment insurance program.

41 (2) Enter into agreements with the United States government that
42 may be required as a condition of obtaining federal funds related



1 to activities of the department under this article.

2 (3) Enter into contracts or agreements and cooperate with local
3 governmental units or corporations, including profit or nonprofit
4 corporations, or combinations of units and corporations to carry
5 out the duties of the department imposed by this article, including
6 contracts for the delegation of the department's administrative,
7 monitoring, and program responsibilities and duties set forth in
8 this article.

9 (c) The payment of unemployment insurance benefits must be made
10 in accordance with 26 U.S.C. 3304.

11 (d) The department of workforce development may do all acts and
12 things necessary or proper to carry out the powers expressly granted
13 under this article, including the adoption of rules under IC 4-22-2.

14 (e) The department of workforce development may not charge any
15 claimant for benefits for providing services under this article, except as
16 provided in IC 22-4-17-12.

17 **(f) The department of workforce development shall submit**
18 **before October 1 each year to the general assembly in an electronic**
19 **format under IC 5-14-6 and to the governor a report concerning**
20 **the status of the unemployment compensation system, including**
21 **recommendations for maintaining the solvency of the**
22 **unemployment insurance benefit fund established under**
23 **IC 22-4-26-1.**

24 ~~(f)~~ **(g)** In addition to the duties prescribed in subsections (a) through
25 ~~(e)~~, **(f)**, the department of workforce development shall establish,
26 implement, and maintain a training program in the nature and dynamics
27 of domestic and family violence for training of all employees of the
28 department who interact with a claimant for benefits to determine
29 whether the claim of the individual for unemployment benefits is valid
30 and to determine that employment separations stemming from domestic
31 or family violence are reliably screened, identified, and adjudicated and
32 that victims of domestic or family violence are able to take advantage
33 of the full range of job services provided by the department. The
34 training presenters shall include domestic violence experts with
35 expertise in the delivery of direct services to victims of domestic
36 violence, including using the staff of shelters for battered women in the
37 presentation of the training. The initial training shall consist of
38 instruction of not less than six (6) hours. Refresher training shall be
39 required annually and shall consist of instruction of not less than three
40 (3) hours.

41 SECTION 22. IC 22-4-18-2 IS REPEALED [EFFECTIVE JULY 1,
42 2016]. Sec. 2: (a) The Indiana unemployment insurance board is



1 created. The board is responsible for the oversight of the
 2 unemployment insurance program. The board shall report annually to
 3 the governor on the status of unemployment insurance together with
 4 recommendations for maintaining the solvency of the unemployment
 5 insurance benefit fund. The department staff shall provide support to
 6 the board. The unemployment insurance board shall consist of nine (9)
 7 members, who shall be appointed by the governor, as follows:

8 (1) Four (4) members shall be appointed as representatives of
 9 labor and its interests.

10 (2) One (1) member shall be appointed as a representative of the
 11 state and its interest and of the public at large.

12 (3) Two (2) members shall be appointed as representatives of the
 13 large employers of the state.

14 (4) Two (2) members shall be appointed as representatives of the
 15 independent merchants and small employers of the state.

16 All appointments shall be made for terms of four (4) years. All
 17 appointments to full terms or to fill vacancies shall be made so that all
 18 terms end on March 31.

19 (b) Every Indiana unemployment insurance board member so
 20 appointed shall serve until a successor shall have been appointed and
 21 qualified. Before entering upon the discharge of official duties, each
 22 member of the board shall take and subscribe to an oath of office,
 23 which shall be filed in the office of the secretary of state. Any vacancy
 24 occurring in the membership of the board for any cause shall be filled
 25 by appointment by the governor for the unexpired term. The governor
 26 may, at any time, remove any member of the board for misconduct,
 27 incapacity, or neglect of duty. Each member of the board shall be
 28 entitled to receive as compensation for the member's services the sum
 29 of one hundred dollars (\$100) per month for each and every month
 30 which the member devotes to the actual performance of the member's
 31 duties, as prescribed in this article, but the total amount of such
 32 compensation shall not exceed the sum of twelve hundred dollars
 33 (\$1,200) per year. In addition to the compensation hereinbefore
 34 prescribed, each member of the board shall be entitled to receive the
 35 amount of traveling and other necessary expenses actually incurred
 36 while engaged in the performance of official duties.

37 (c) The board may hold one (1) regular meeting each month and
 38 such called meetings as may be deemed necessary by the commissioner
 39 or the board. The April meeting shall be known as the annual meeting.
 40 Five (5) members of the board constitute a quorum for the transaction
 41 of business. At its first meeting and at each annual meeting held
 42 thereafter, the board shall organize by the election of a president and



1 vice president from its own number, each of whom, except those first
 2 elected, shall serve for a term of one (1) year and until a successor is
 3 elected.

4 SECTION 23. IC 22-4-18-2.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) **The Indiana
 7 unemployment insurance board is abolished on July 1, 2016.**

8 (b) **On July 1, 2016, all powers, duties, agreements, and
 9 liabilities of the Indiana unemployment insurance board are
 10 transferred to the department.**

11 (c) **On July 1, 2016, all records and property of the Indiana
 12 unemployment insurance board, including appropriations or other
 13 funds under the control or supervision of the Indiana
 14 unemployment insurance board, are transferred to the
 15 department.**

16 (d) **After June 30, 2016, any amounts owed to the Indiana
 17 unemployment insurance board are considered to be owed to the
 18 department.**

19 (e) **After June 30, 2016, a reference to the Indiana
 20 unemployment insurance board in a statute, rule, or other
 21 document is considered a reference to the department.**

22 (f) **Rules that were adopted by the Indiana unemployment
 23 insurance board before July 1, 2016, shall be treated as though the
 24 rules were adopted by the department until the department adopts
 25 rules under IC 4-22-2 to administer this article.**

26 (g) **Proceedings that pertain to the unemployment insurance
 27 system pending before the Indiana unemployment insurance board
 28 on July 1, 2016, shall be transferred to the department and must be
 29 treated as if the department was the original party.**

30 SECTION 24. IC 22-4-19-1, AS AMENDED BY P.L.108-2006,
 31 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2016]: Sec. 1. The **board department** shall have the power
 33 and authority to adopt, amend, or rescind such rules and regulations to
 34 employ such persons, make such expenditures, require such reports,
 35 make such investigations and take such other action as it may deem
 36 necessary or suitable for the proper administration of this article. All
 37 rules and regulations issued under the provisions of this article shall be
 38 effective upon publication in the manner hereinafter provided and shall
 39 have the force and effect of law. The **board department** may prescribe
 40 the extent, if any, to which any rule or regulation so issued or legal
 41 interpretation of this article shall be with or without retroactive effect.
 42 Whenever the **board department** believes that a change in contribution



1 or benefit rates will become necessary to protect the solvency of the
 2 unemployment insurance benefit fund, ~~it~~ **the department** shall
 3 promptly so inform the governor and the general assembly, and make
 4 recommendations with respect thereto.

5 SECTION 25. IC 22-4-19-4 IS REPEALED [EFFECTIVE JULY 1,
 6 2016]. ~~Sec. 4. Subject to the further provisions of this article, the board~~
 7 ~~is authorized to appoint, fix the compensation, and prescribe the duties~~
 8 ~~and powers of such officers, accountants, attorneys, experts, and other~~
 9 ~~persons as may be necessary in the performance of its duties. All~~
 10 ~~positions shall be filled by persons selected and appointed as provided~~
 11 ~~in this section. The board may authorize any such person so appointed~~
 12 ~~to do any act or acts which would lawfully be done by the board and~~
 13 ~~may, in its discretion, require suitable bond from any person charged~~
 14 ~~with the custody of any money or securities.~~

15 SECTION 26. IC 22-4-19-7, AS AMENDED BY P.L.175-2009,
 16 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2016]: Sec. 7. In any case where an employing unit, or any
 18 officer, member, or agent thereof or any other person having possession
 19 of the records thereof, shall fail or refuse upon demand by ~~the board~~;
 20 the department, the review board, or an administrative law judge, or the
 21 duly authorized representative of any of them, to produce or permit the
 22 examination or copying of any book, paper, account, record, or other
 23 data pertaining to payrolls or employment or ownership of interests or
 24 stock in any employing unit, or bearing upon the correctness of any
 25 contribution report, or for the purpose of making a report as required
 26 by this article where none has been made, then and in that event ~~the~~
 27 ~~board~~, the department, the review board, or the administrative law
 28 judge, or the duly authorized representative of any of them, may by
 29 issuance of a subpoena require the attendance of such employing unit,
 30 or any officer, member, or agent thereof or any other person having
 31 possession of the records thereof, and take testimony with respect to
 32 any such matter and may require any such person to produce any books
 33 or records specified in such subpoena.

34 SECTION 27. IC 22-4-19-8, AS AMENDED BY P.L.108-2006,
 35 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2016]: Sec. 8. (a) ~~The board~~, The department, the review
 37 board, or the administrative law judge, or the duly authorized
 38 representative of any of them, at any such hearing shall have power to
 39 administer oaths to any such person or persons. When any person
 40 called as a witness by such subpoena, duly signed, and served upon the
 41 witness by any duly authorized person or by the sheriff of the county of
 42 which such person is a resident, or wherein is located the principal



1 office of such employing unit or wherein such records are located or
 2 kept, shall fail to obey such subpoena to appear before ~~the board~~; the
 3 department, the review board, or the administrative law judge, or the
 4 authorized representative of any of them, or shall refuse to testify or to
 5 answer any questions, or to produce any book, record, paper, or other
 6 data when notified and demanded so to do, such failure or refusal shall
 7 be reported to the attorney general for the state of ~~Indiana~~ who shall
 8 thereupon institute proceedings by the filing of a petition in the name
 9 of the state of ~~Indiana~~ on the relation of the ~~board, department~~, in the
 10 circuit court or superior or other court of competent jurisdiction of the
 11 county where such witness resides, or wherein such records are located
 12 or kept, to compel obedience of and by such witness.

13 (b) Such petition shall set forth the facts and circumstances of the
 14 demand for and refusal or failure to permit the examination or copying
 15 of such records or the failure or refusal of such witness to testify in
 16 answer to such subpoena or to produce the records so required by such
 17 subpoena. Such court, upon the filing and docketing of such petition
 18 shall thereupon promptly issue an order to the defendants named in
 19 said petition, to produce forthwith in such court or at a place in such
 20 county designated in such order, for the examination or copying by ~~the~~
 21 ~~board~~; the department, the review board, an administrative law judge,
 22 or the duly authorized representative of any of them, the records,
 23 books, or documents so described and to testify concerning matters
 24 described in such petition. Unless such defendants to such petition
 25 shall appear in said court upon a day specified in such order, which
 26 said day shall be not more than ten (10) days after the date of issuance
 27 of such order, and offer, under oath, good and sufficient reasons why
 28 such examination or copying should not be permitted, or why such
 29 subpoena should not be obeyed, such court shall thereupon deliver to
 30 ~~the board~~; the department, the review board, the administrative law
 31 judge, or representative of any of them, for examination or copying, the
 32 records, books and documents so described in said petition and so
 33 produced in such court and shall order said defendants to appear in
 34 answer to the subpoena, and to testify concerning the subject matter of
 35 the inquiry. Any employing unit, or any officer, member, or agent
 36 ~~thereof, of the employing unit~~, or any other persons having possession
 37 of the records thereof who shall willfully disobey such order of the
 38 court after the same shall have been served upon ~~him; the employing~~
 39 **unit, any officer, member, or agent of the employing unit, or any**
 40 **other person having possession of the records** shall be guilty of
 41 indirect contempt of such court from which such order shall have
 42 issued and may be adjudged in contempt of said court and punished



1 therefor as provided by law.

2 SECTION 28. IC 22-4-19-14 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. If the ~~board~~
 4 **department** determines that Public Law 94-566 or the federal laws it
 5 amends have been adjudged unconstitutional or invalid in its
 6 application to, or have been stayed pendente lite as to, a state or a
 7 political subdivision or an instrumentality which is wholly owned by
 8 the state and one (1) or more other states or political subdivisions and
 9 its employees by any court of competent jurisdiction, the ~~board~~
 10 **department** shall suspend the enforcement of this article with respect
 11 to these employers and employees to the extent of the adjudged
 12 unconstitutionality or inapplicability or of the stay.

13 SECTION 29. IC 22-4-20-1, AS AMENDED BY P.L.175-2009,
 14 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2016]: Sec. 1. (a) Whenever the commissioner shall consider
 16 any account or claim for contributions against an employer, and any
 17 penalty or interest due thereon, or any part thereof, to be uncollectible,
 18 written notification containing appropriate information shall be
 19 furnished to the attorney general by the commissioner setting forth the
 20 reasons therefor and the extent to which collection proceedings have
 21 been taken. The attorney general may review such notice and may
 22 undertake additional investigation as to the facts relating thereto, and
 23 shall thereupon certify to the commissioner an opinion as to the
 24 collectibility of such account or claim. If the attorney general consents
 25 to the cancellation of such claim for delinquent contributions, and any
 26 interest or penalty due thereon, the board may then cancel all or any
 27 part of such claim.

28 (b) In addition to the procedure for cancellation of claims for
 29 delinquent contributions set out in subsection (a), the ~~board~~
 30 **department** may cancel all or any part of a claim for delinquent
 31 contributions against an employer if all of the following conditions are
 32 met:

- 33 (1) The employer's account has been delinquent for at least seven
 34 (7) years.
 35 (2) The commissioner has determined that the account is
 36 uncollectible and has recommended that the ~~board~~ **department**
 37 cancel the claim for delinquent contributions.

38 (c) When any such claim or any part thereof is cancelled by the
 39 ~~board~~, **department**, there shall be placed in the files and records of the
 40 department, in the appropriate place for the same, a statement of the
 41 amount of contributions, any interest or penalty due thereon, and the
 42 action of the ~~board~~ **department** taken with relation thereto, together



1 with the reasons therefor.

2 SECTION 30. IC 22-4-21-1 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. In the administration
 4 of this article the **board department** shall cooperate to the fullest
 5 extent consistent with the provisions of this article with the federal
 6 Department of Labor, shall make such reports in such form and
 7 containing such information as the federal Department of Labor may
 8 from time to time require and shall comply with such provisions as the
 9 federal Department of Labor may from time to time find necessary to
 10 insure the correctness and verification of such reports, and shall
 11 comply with the regulations prescribed by the Secretary of Labor
 12 governing the expenditures of such sums as may be allotted and paid
 13 to the state of Indiana under 42 U.S.C. 501 through 504 or any other
 14 federal statute for the purpose of assisting in the administration of this
 15 article.

16 SECTION 31. IC 22-4-21-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Upon request
 18 therefor the **board department** shall furnish to any agency of the
 19 United States charged with the administration of public works or
 20 assistance through public employment the name, address, ordinary
 21 occupation, and employment status of each recipient of benefits and
 22 such recipient's rights to further benefits under this article.

23 SECTION 32. IC 22-4-21-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The **board**
 25 **department** may afford reasonable cooperation with every agency of
 26 the United States of America, or with any state charged with the
 27 administration of any unemployment compensation law.

28 SECTION 33. IC 22-4-22-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The **board**
 30 **department** shall enter into arrangements with the appropriate
 31 agencies of other states or jurisdictions or the United States of America
 32 whereby individuals performing services in this and other states or
 33 jurisdictions for a single employing unit under circumstances not
 34 specifically provided for in ~~IC 1971, IC 22-4-8-2(b), of this article;~~
 35 or under similar provisions in the unemployment compensation laws of
 36 such other states or jurisdictions, shall be deemed to be employment
 37 performed entirely within this state or within one (1) of such other
 38 states or jurisdictions, and whereby potential rights to benefits
 39 accumulated under the unemployment compensation laws of several
 40 states or jurisdictions, or under such a law of the United States of
 41 America, or both, may constitute the basis for the payment of benefits
 42 through a single appropriate agency under the terms which the **board**



1 **department** finds will be fair and reasonable to all affected interests
2 and will not result in substantial loss to the fund.

3 SECTION 34. IC 22-4-22-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The **board**
5 **department** is authorized to enter into reciprocal arrangements with
6 the appropriate agencies of other states or jurisdictions or the United
7 States of America, adjusting the collection and payment of
8 contributions by employers with respect to employment not localized
9 within this state.

10 SECTION 35. IC 22-4-22-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The **board**
12 **department** is authorized to enter into reciprocal agreements with the
13 agencies of other states or jurisdictions administering unemployment
14 compensation laws whereby the **board department** and such other
15 agencies or jurisdictions may act as agents for each other for the
16 purpose of accepting contributions on each other's behalf. Such
17 contributions upon remittance to the state or jurisdiction on whose
18 behalf such contributions were received, shall be deemed contributions
19 required and paid into the unemployment compensation fund of such
20 state or jurisdiction as of the date received by the agent, state or
21 jurisdiction.

22 SECTION 36. IC 22-4-22-5, AS AMENDED BY P.L.108-2006,
23 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2016]: Sec. 5. In order that the administration of this article
25 and the unemployment insurance laws of other states or jurisdictions
26 or of the United States of America will be promoted by cooperation
27 between this state and such other states or jurisdictions or the
28 appropriate agencies of the United States in exchanging services and
29 making available facilities and information, ~~the board and the~~
30 ~~department are is~~ authorized to make such investigations, secure and
31 transmit such information, make available such services and facilities,
32 and exercise such of the other powers provided in this article with
33 respect to the administration of this article as deemed necessary or
34 appropriate to facilitate the administration of any unemployment
35 insurance law and in like manner to accept and utilize information,
36 services, and facilities made available to this state by the agency or
37 jurisdiction charged with the administration of any such other
38 unemployment insurance law.

39 SECTION 37. IC 22-4-25-1, AS AMENDED BY P.L.69-2015,
40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2016]: Sec. 1. (a) There is created in the state treasury a
42 special fund to be known as the special employment and training



1 services fund. All interest on delinquent contributions and penalties
2 collected under this article, together with any voluntary contributions
3 tendered as a contribution to this fund, shall be paid into this fund. The
4 money shall not be expended or available for expenditure in any
5 manner which would permit their substitution for (or a corresponding
6 reduction in) federal funds which would in the absence of said money
7 be available to finance expenditures for the administration of this
8 article, but nothing in this section shall prevent said money from being
9 used as a revolving fund to cover expenditures necessary and proper
10 under the law for which federal funds have been duly requested but not
11 yet received, subject to the charging of such expenditures against such
12 funds when received. The money in this fund shall be used by the ~~board~~
13 **department** for the payment of refunds of interest on delinquent
14 contributions and penalties so collected, for the payment of costs of
15 administration which are found not to have been properly and validly
16 chargeable against federal grants or other funds received for or in the
17 employment and training services administration fund, on and after
18 July 1, 1945. Such money shall be available either to satisfy the
19 obligations incurred by the ~~board~~ **department** directly, or by transfer
20 by the ~~board~~ **department** of the required amount from the special
21 employment and training services fund to the employment and training
22 services administration fund. The ~~board~~ **department** shall order the
23 transfer of such funds or the payment of any such obligation or
24 expenditure and such funds shall be paid by the treasurer of state on
25 requisition drawn by the ~~board~~ **department** directing the auditor of
26 state to issue the auditor's warrant therefor. Any such warrant shall be
27 drawn by the state auditor based upon vouchers certified by ~~the board~~
28 ~~or~~ the commissioner. The money in this fund is hereby specifically
29 made available to replace within a reasonable time any money received
30 by this state pursuant to 42 U.S.C. 502, as amended, which, because of
31 any action or contingency, has been lost or has been expended for
32 purposes other than or in amounts in excess of those approved by the
33 bureau of employment security. The money in this fund shall be
34 continuously available to the ~~board~~ **department** for expenditures in
35 accordance with the provisions of this section and for the prevention,
36 detection, and recovery of delinquent contributions, penalties, and
37 improper benefit payments, and shall not lapse at any time or be
38 transferred to any other fund, except as provided in this article. Nothing
39 in this section shall be construed to limit, alter, or amend the liability
40 of the state assumed and created by IC 22-4-28, or to change the
41 procedure prescribed in IC 22-4-28 for the satisfaction of such liability,
42 except to the extent that such liability may be satisfied by and out of the



1 funds of such special employment and training services fund created
2 by this section.

3 (b) Whenever the balance in the special employment and training
4 services fund exceeds eight million five hundred thousand dollars
5 (\$8,500,000), the ~~board~~ **department** shall order payment of the amount
6 that exceeds eight million five hundred thousand dollars (\$8,500,000)
7 into the unemployment insurance benefit fund.

8 (c) Subject to the approval of the ~~board~~, **department**, and the
9 availability of funds, on July 1 each year the commissioner shall
10 release:

11 (1) one million dollars (\$1,000,000) to the state educational
12 institution established under IC 21-25-2-1 for training provided
13 to participants in apprenticeship programs approved by the United
14 States Department of Labor, Bureau of Apprenticeship and
15 Training;

16 (2) four million dollars (\$4,000,000) to the state educational
17 institution instituted and incorporated under IC 21-22-2-1 for
18 training provided to participants in joint labor and management
19 apprenticeship programs approved by the United States
20 Department of Labor, Bureau of Apprenticeship and Training;

21 (3) two hundred fifty thousand dollars (\$250,000) for journeyman
22 upgrade training to each of the state educational institutions
23 described in subdivisions (1) and (2);

24 (4) four hundred thousand dollars (\$400,000) annually for
25 training and counseling assistance:

26 (A) provided by Hometown Plans under 41 CFR 60-4.5; and

27 (B) approved by the United States Department of Labor,
28 Bureau of Apprenticeship and Training;

29 to individuals who have been unemployed for at least four (4)
30 weeks or whose annual income is less than twenty thousand
31 dollars (\$20,000); and

32 (5) three hundred thousand dollars (\$300,000) annually for
33 training and counseling assistance provided by the state
34 institution established under IC 21-25-2-1 to individuals who
35 have been unemployed for at least four (4) weeks or whose annual
36 income is less than twenty thousand dollars (\$20,000) for the
37 purpose of enabling those individuals to apply for admission to
38 apprenticeship programs offered by providers approved by the
39 United States Department of Labor, Bureau of Apprenticeship and
40 Training.

41 (d) Each state educational institution described in subsection (c) is
42 entitled to keep ten percent (10%) of the funds released under



1 subsection (c) for the payment of costs of administering the funds. On
 2 each June 30 following the release of the funds, any funds released
 3 under subsection (c) not used by the state educational institutions under
 4 subsection (c) shall be returned to the special employment and training
 5 services fund.

6 SECTION 38. IC 22-4-26-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. There is established
 8 a special fund to be known as the unemployment insurance benefit fund
 9 which shall be administered separate and apart from all public money
 10 or funds of the state. This fund shall consist of:

11 (1) all contributions, all payments in lieu of contributions, all
 12 money received from the federal government as reimbursements
 13 pursuant to section 204 of the Federal-State Extended
 14 Compensation Act of 1970, and all money paid into and received
 15 by it as provided in this article;

16 (2) any property or securities and the earnings thereof acquired
 17 through the use of money belonging to the fund;

18 (3) all other money received for the fund from any other source;

19 (4) all money credited to this state's account in the unemployment
 20 trust fund pursuant to 42 U.S.C. 1103, as amended; and

21 (5) interest earned from all money in the fund.

22 Subject to the provisions of this article, the **board department** is vested
 23 with full power, authority, and jurisdiction over the fund, including all
 24 money and property or securities belonging thereto, and may perform
 25 any and all acts whether or not specifically designated in this article
 26 which are necessary or convenient in the administration thereof
 27 consistent with the provisions of this article and the Depository Act.
 28 The money in this fund shall be used only for the payment of
 29 unemployment compensation benefits.

30 SECTION 39. IC 22-4-26-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The treasurer of state
 32 shall be ex officio treasurer and custodian of the fund and shall
 33 administer the fund in accordance with the provisions of this article and
 34 the directions of the commissioner and shall pay all warrants drawn
 35 upon it in accordance with such rules as the **board department** may
 36 prescribe. All contributions provided for in this article shall be paid to
 37 and collected by the department. All contributions and other money
 38 payable to the fund as provided in this article upon receipt thereof by
 39 the department shall be paid to and deposited with the treasurer of state
 40 to the credit of the unemployment insurance benefit fund. The
 41 commissioner shall immediately order the auditor of state to issue the
 42 auditor's warrant on the treasurer of state immediately to forward such



1 money and deposit it, together with any money earned thereby while in
 2 the treasurer's custody and any other money received by the treasurer
 3 for the payment of benefits from any source other than the
 4 unemployment trust fund, with the Secretary of the Treasury of the
 5 United States of America to the credit of the unemployment trust fund.
 6 All money belonging to the unemployment insurance benefit fund and
 7 not otherwise deposited, invested, or paid over pursuant to the
 8 provisions of this article may be deposited by the treasurer of state
 9 under the direction of the commissioner in any banks or public
 10 depositories in which general funds of the state may be deposited, but
 11 no public deposit insurance charge or premium shall be paid out of
 12 money in the unemployment insurance benefit fund, any other
 13 provisions of law to the contrary notwithstanding. The treasurer of state
 14 shall, if required by the Social Security Administration, give a separate
 15 bond conditioned upon the faithful performance of the treasurer's duties
 16 as custodian of the fund in an amount and with such sureties as shall be
 17 fixed and approved by the governor. Premiums for the said bond shall
 18 be paid as provided in IC 22-4-24.

19 SECTION 40. IC 22-4-28-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If any money
 21 received after June 30, 1941, from the Social Security Administration
 22 under 42 U.S.C. 501 through 504, or any unencumbered balances in the
 23 employment and training services administration fund as of June 30,
 24 1941, or any money granted after June 30, 1941 to this state under 29
 25 U.S.C. 49 et seq. or any money made available by this state or its
 26 political subdivisions and matched by such money granted to this state
 27 under 29 U.S.C. 49 et seq. is found by the Secretary of Labor because
 28 of any action or contingency to have been lost or been expended for
 29 purposes other than or in amounts in excess of those found necessary
 30 by the Secretary of Labor for the proper administration of this article,
 31 it is the policy of this state that upon receipt of notice of such a finding
 32 by the Secretary of Labor the ~~board~~ **department** shall promptly report
 33 the amount required for such replacement to the governor, and the
 34 governor shall at the earliest opportunity submit to the general
 35 assembly a request for the appropriation of such amount. This section
 36 shall not be construed to relieve this state of its obligation with respect
 37 to funds received prior to July 1, 1941, under 49 U.S.C. 501 through
 38 504.

39 SECTION 41. IC 22-4-29-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Contributions
 41 unpaid on the date on which they are due and payable, as prescribed by
 42 the commissioner, shall bear interest at the rate of one percent (1%) per



1 month or fraction thereof from and after such date until payment, plus
 2 accrued interest, is received by the department. The **board department**
 3 may prescribe fair and reasonable regulations pursuant to which such
 4 interest shall not accrue.

5 (b) If the failure to pay any part or all of the delinquent contributions
 6 is due to negligence or intentional disregard of authorized rules,
 7 regulations, or notices, but without intent to defraud, there shall be
 8 added, as a penalty, ten percent (10%) of the total amount of
 9 contributions unpaid, which penalty shall become due and payable
 10 upon notice and demand by the commissioner.

11 (c) If the commissioner finds that the failure to pay any part or all of
 12 delinquent contributions is due to fraud with intent to evade the
 13 payment of contributions, there shall be added, as a penalty, fifty
 14 percent (50%) of the total amount of delinquent contributions, which
 15 penalty shall become due and payable upon notice and demand by the
 16 commissioner.

17 (d) Interest and penalties collected pursuant to this section shall be
 18 paid into the special employment and training services fund.

19 SECTION 42. IC 22-4-29-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Unless an
 21 assessment is paid in full within seven (7) days after it becomes final,
 22 the commissioner or the commissioner's representative may file with
 23 the clerk of the circuit court of any county in the state a warrant in
 24 duplicate, directed to the sheriff of such county, commanding the
 25 sheriff to levy upon and sell the property, real and personal, tangible
 26 and intangible, of the employing unit against whom the assessment has
 27 been made, in sufficient quantity to satisfy the amount thereof, plus
 28 damages to the amount of ten percent (10%) of such assessment, which
 29 shall be in addition to the penalties prescribed in this article for
 30 delinquent payment, and in addition to the interest at the rate of one
 31 percent (1%) per month upon the unpaid contribution from the date it
 32 was due, to the date of payment of the warrant, and in addition to all
 33 costs incident to the recording and execution thereof. The remedies by
 34 garnishment and proceedings supplementary to execution as provided
 35 by law shall be available to the **board department** to effectuate the
 36 purposes of this chapter. Within five (5) days after receipt of a warrant
 37 under this section, the clerk shall:

- 38 (1) retain the duplicate copy of the warrant;
 39 (2) enter in the judgment record in the column for judgment
 40 debtors the name of the employing unit stated in the warrant, or
 41 if the employing unit is a partnership, the names of the partners;
 42 (3) enter the amount sought by the warrant;



1 (4) enter the date the warrant was received; and

2 (5) certify the original warrant and return it to the department.

3 (b) Five (5) days after the clerk receives a warrant under subsection
4 (a), the amount sought in the warrant, the damages to an amount of ten
5 percent (10%) of the assessment as provided in subsection (a),
6 penalties, and interest described in subsection (a) become a lien upon
7 the title to and interest in the real and personal property of the
8 employing unit.

9 SECTION 43. IC 22-4-31-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The collection of the
11 whole or any part of the amount of such assessment may be stayed for
12 not exceeding sixty (60) days, by filing with the ~~board~~ **department** a
13 bond in such amount, not exceeding double the amount as to which the
14 stay is desired, and with such sureties as the ~~board~~ **department**
15 considers necessary, conditioned upon payment of the amount which
16 may finally be found to be due after notice and opportunity to be heard
17 as herein provided.

18 SECTION 44. IC 22-4-32-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Upon receipt of such
20 protest in writing, the commissioner promptly shall refer the written
21 protest to the liability administrative law judge who shall set a date for
22 a hearing before the liability administrative law judge and notify the
23 interested parties thereof by registered mail. Unless such written
24 protest is withdrawn, the liability administrative law judge, after
25 affording the parties a reasonable opportunity for a fair hearing, shall
26 make findings and conclusions, and, on the basis thereof, affirm,
27 modify, or reverse the initial determination of the ~~board.~~ **department.**

28 SECTION 45. IC 22-4-32-23, AS AMENDED BY P.L.42-2011,
29 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2016]: Sec. 23. (a) As used in this section:

31 (1) "Dissolution" refers to dissolution of a corporation under
32 IC 23-1-45 through IC 23-1-48 or dissolution under Indiana law
33 of an association, a joint venture, an estate, a partnership, a
34 limited liability partnership, a limited liability company, a joint
35 stock company, or an insurance company (referred to as a
36 "noncorporate entity" in this section).

37 (2) "Liquidation" means the operation or act of winding up a
38 corporation's or entity's affairs, when normal business activities
39 have ceased, by settling its debts and realizing upon and
40 distributing its assets.

41 (3) "Withdrawal" refers to the withdrawal of a foreign corporation
42 from Indiana under IC 23-1-50.



1 (b) The officers and directors of a corporation effecting dissolution,
 2 liquidation, or withdrawal or the appropriate individuals of a
 3 noncorporate entity shall do the following:

4 (1) File all necessary documents with the department in a timely
 5 manner as required by this article.

6 (2) Make all payments of contributions to the department in a
 7 timely manner as required by this article.

8 (3) File with the department a form of notification within thirty
 9 (30) days of the adoption of a resolution or plan. The form of
 10 notification shall be prescribed by the department and may
 11 require information concerning:

12 (A) the corporation's or noncorporate entity's assets;

13 (B) the corporation's or noncorporate entity's liabilities;

14 (C) details of the plan or resolution;

15 (D) the names and addresses of corporate officers, directors,
 16 and shareholders or the noncorporate entity's owners,
 17 members, or trustees;

18 (E) a copy of the minutes of the shareholders' meeting or the
 19 noncorporate entity's meeting at which the plan or resolution
 20 was formally adopted; and

21 (F) such other information as the ~~board~~ **department** may
 22 require.

23 The commissioner may accept, in lieu of the department's form of
 24 notification, a copy of Form 966 that the corporation filed with
 25 the Internal Revenue Service.

26 (c) Unless a clearance is issued under subsection (g), for a period of
 27 one (1) year following the filing of the form of notification with the
 28 department, the corporate officers and directors of a corporation and
 29 the chief executive of a noncorporate entity remain personally liable,
 30 subject to IC 23-1-35-1(e), for any acts or omissions that result in the
 31 distribution of corporate or noncorporate entity assets in violation of
 32 the interests of the state. An officer or director of a corporation or a
 33 chief executive of a noncorporate entity held liable for an unlawful
 34 distribution under this subsection is entitled to contribution:

35 (1) from every other director who voted for or assented to the
 36 distribution, subject to IC 23-1-35-1(e); and

37 (2) from each shareholder, owner, member, or trustee for the
 38 amount the shareholder, owner, member, or trustee accepted.

39 (d) The corporation's officers' and directors' and the noncorporate
 40 entity's chief executive's personal liability includes all contributions,
 41 penalties, interest, and fees associated with the collection of the
 42 liability due the department. In addition to the penalties provided



1 elsewhere in this article, a penalty of up to thirty percent (30%) of the
 2 unpaid contributions may be imposed on the corporate officers and
 3 directors and the noncorporate entity's chief executive for failure to
 4 take reasonable steps to set aside corporate assets to meet the liability
 5 due the department.

6 (e) If the department fails to begin a collection action against a
 7 corporate officer or director or a noncorporate entity's chief executive
 8 within one (1) year after the filing of a completed form of notification
 9 with the department, the personal liability of the corporate officer or
 10 director or noncorporate entity's chief executive expires. The filing of
 11 a substantially blank form of notification or a form containing
 12 misrepresentation of material facts does not constitute filing a form of
 13 notification for the purpose of determining the period of personal
 14 liability of the officers and directors of the corporation or the chief
 15 executive of the noncorporate entity.

16 (f) In addition to the remedies contained in this section, the
 17 department is entitled to pursue corporate assets that have been
 18 distributed to shareholders or noncorporate entity assets that have been
 19 distributed to owners, members, or beneficiaries, in violation of the
 20 interests of the state. The election to pursue one (1) remedy does not
 21 foreclose the state's option to pursue other legal remedies.

22 (g) The department may issue a clearance to a corporation or
 23 noncorporate entity effecting dissolution, liquidation, or withdrawal if:

24 (1) the:

25 (A) officers and directors of the corporation have; or

26 (B) chief executive of the noncorporate entity has;

27 met the requirements of subsection (b); and

28 (2) request for the clearance is made in writing by the officers and
 29 directors of the corporation or chief executive of the noncorporate
 30 entity within thirty (30) days after the filing of the form of
 31 notification with the department.

32 (h) The issuance of a clearance by the department under subsection
 33 (g) releases the officers and directors of a corporation and the chief
 34 executive of a noncorporate entity from personal liability under this
 35 section.

36 SECTION 46. IC 22-4-33-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except for fees
 38 charged under IC 22-4-17-12, no individual claiming benefits may be
 39 charged fees of any kind in a proceeding by ~~the board~~, the review
 40 board, an administrative law judge, or the representative of ~~any either~~
 41 of them or by any court or any officer thereof.

42 (b) An individual claiming benefits in a proceeding before ~~the~~



1 ~~board~~, the review board, an administrative law judge, or a court may be
 2 represented by counsel or other authorized agent, but no counsel or
 3 agent may charge or receive for ~~his~~ the **counsel's or agent's** service
 4 more than an amount approved by the ~~board or~~ review board.

5 SECTION 47. IC 22-4-34-5, AS AMENDED BY P.L.108-2006,
 6 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2016]: Sec. 5. A person who knowingly fails to attend and
 8 testify or to answer any lawful inquiry or to produce books, papers,
 9 correspondence, memoranda, and other records, in obedience to a
 10 subpoena of ~~the board~~, the department, the review board, an
 11 administrative law judge, or any duly authorized representative of any
 12 of them, commits a Class C misdemeanor. Each day a violation
 13 continues constitutes a separate offense.

14 SECTION 48. IC 22-4-35-1, AS AMENDED BY P.L.161-2006,
 15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2016]: Sec. 1. In any civil action to enforce the provisions of
 17 this article, the department, commissioner, state workforce innovation
 18 council, ~~unemployment insurance board~~, unemployment insurance
 19 review board, and the state may be represented by any qualified
 20 attorney who is a regular salaried employee of the department and is
 21 designated by it for this purpose or, at the director's request, by the
 22 attorney general of the state. In case the governor designates special
 23 counsel to defend, on behalf of the state, the validity of this article, the
 24 expenses and compensation of such special counsel and of any experts
 25 employed by the commissioner in connection with such proceedings
 26 may be charged to the employment and training services administration
 27 fund.

28 SECTION 49. IC 22-4-37-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If at any time the
 30 governor of Indiana shall find that the tax imposed by 42 U.S.C. 1101
 31 through 1109, as amended, has been amended or repealed by Congress
 32 or has been held unconstitutional by the Supreme Court of the United
 33 States with the result that no portion of the contributions required by
 34 this article may be credited against such tax, or if this article is declared
 35 inoperative by the supreme court of Indiana, the governor of Indiana
 36 shall publicly so proclaim, and upon the date of such proclamation the
 37 provisions of this article requiring the payment of contributions and
 38 benefits shall be suspended for a period ending not later than the last
 39 day of the next following regular or special session of the general
 40 assembly of the state of Indiana. The ~~board~~ **department** shall
 41 thereupon requisition from the unemployment trust fund all moneys
 42 therein standing to its credit and shall direct the treasurer of state of



1 Indiana to deposit such moneys, together with any other moneys in the
 2 fund, as a special fund in any banks or public depositories in this state
 3 in which general funds of the state may be deposited.

4 (b) Unless prior to the expiration of such period, the general
 5 assembly of the state of Indiana has made provision for an employment
 6 security law in this state and has directed that the funds so deposited
 7 shall be used for the payment of benefits in this state, the provisions of
 8 this article shall cease to be operative, and the ~~board~~ **department** shall,
 9 under rules prescribed by it; **the department**, refund without interest
 10 to each person by whom contributions have been paid ~~its~~ **the person's**
 11 pro rata share of the total contributions paid under this article.

12 SECTION 50. IC 22-4.1-2-2, AS AMENDED BY P.L.69-2015,
 13 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2016]: Sec. 2. The department includes the following entities:

15 ~~(1) The unemployment insurance board:~~

16 ~~(2) (1) The unemployment insurance review board.~~

17 ~~(3) (2) State workforce innovation council established by~~
 18 ~~IC 22-4.1-22-3.~~

19 SECTION 51. IC 22-4.1-4-8, AS ADDED BY P.L.69-2015,
 20 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2016]: Sec. 8. (a) The department annually shall prepare a
 22 written report of its training activities and the training activities of the
 23 workforce service area during the immediately preceding state fiscal
 24 year. The department's annual report for a particular state fiscal year
 25 must include information for each training project for which either the
 26 department or the workforce service area provided any funding during
 27 that state fiscal year. At a minimum, the following information must be
 28 provided for each training project:

29 (1) A description of the training project, including the name and
 30 address of the training provider.

31 (2) The amount of funding that either the department or the
 32 workforce service area provided for the project and an indication
 33 of which entity provided the funding.

34 (3) The number of trainees who participated in the project.

35 (4) Demographic information about the trainees, including:

36 (A) the age of each trainee;

37 (B) the education attainment level of each trainee; and

38 (C) for those training projects that have specific gender
 39 requirements, the gender of each trainee.

40 (5) The results of the project, including:

41 (A) skills developed by trainees;

42 (B) any license or certification associated with the training



1 project;

2 (C) the extent to which trainees have been able to secure

3 employment or obtain better employment; and

4 (D) descriptions of the specific jobs which trainees have been

5 able to secure or to which trainees have been able to advance.

6 (b) With respect to trainees that have been able to secure

7 employment or obtain better employment, the department shall compile

8 data on the retention rates of those trainees in the jobs which the

9 trainees secured or to which they advanced. The department shall

10 include information concerning those retention rates in each of its

11 annual reports.

12 (c) On or before October 1 of each state fiscal year, each workforce

13 service area shall provide the department with a written report of its

14 training activities for the immediately preceding state fiscal year. The

15 workforce service area shall prepare the report in the manner

16 prescribed by the department. However, at a minimum, the workforce

17 service area shall include in its report the information required by

18 subsection (a) for each training project for which the workforce service

19 area provided any funding during the state fiscal year covered by the

20 report. In addition, the workforce service area shall include in each

21 report retention rate information as set forth in subsection (b).

22 (d) The department shall provide a copy of its annual report for a

23 particular state fiscal year to the:

24 (1) governor; **and**

25 (2) legislative council; **and**

26 (3) ~~unemployment insurance board;~~

27 on or before December 1 of the immediately preceding state fiscal year.

28 An annual report provided under this subsection to the legislative

29 council must be in an electronic format under IC 5-14-6.

