

SENATE BILL No. 152

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4.

Synopsis: Unemployment compensation. Reduces the maximum amount of regular unemployment benefits to 14 times the individual's weekly benefit. (Under current law, the maximum amount of regular unemployment benefits is 26 times the individual's weekly benefit or 28% of the individual's wage credits, whichever is less.) Provides for additional benefits in an amount not to exceed two times the individual's weekly benefit if the individual meets certain conditions. Removes outdated provisions. Makes conforming changes.

Effective: July 1, 2024.

Alexander

January 8, 2024, read first time and referred to Committee on Pensions and Labor.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 152

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 22-4-11-1, AS AMENDED BY P.L.154-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. (a) For the purpose of charging employers'
4 experience or reimbursable accounts with regular benefits paid
5 subsequent to July 3, 1971, to any eligible individual but except as
6 provided in IC 22-4-22 and subsection (f), such benefits paid shall be
7 charged proportionately against the experience or reimbursable
8 accounts of the individual's employers in the individual's base period
9 (on the basis of total wage credits established in such base period)
10 against whose accounts the maximum charges specified in this section
11 shall not have been previously made. Such charges shall be made in the
12 inverse chronological order in which the wage credits of such
13 individuals were established. However, when an individual's claim has
14 been computed for the purpose of determining the individual's regular
15 benefit rights, maximum regular benefit amount, and the proportion of
16 such maximum amount to be charged to the experience or reimbursable
17 accounts of respective chargeable employers in the base period, the



1 experience or reimbursable account of any employer charged with
 2 regular benefits paid shall not be credited or recredited with any
 3 portion of such maximum amount because of any portion of such
 4 individual's wage credits remaining uncharged at the expiration of the
 5 individual's benefit period. The maximum so charged against the
 6 account of any employer shall not exceed twenty-eight percent (28%)
 7 of the total wage credits of such individual with each such employer
 8 with which wage credits were established during such individual's base
 9 period. Benefits paid under provisions of IC 22-4-22-3 in excess of the
 10 amount that the claimant would have been monetarily eligible for under
 11 other provisions of this article shall be paid from the fund and not
 12 charged to the experience account of any employer. This exception
 13 shall not apply to those employers electing to make payments in lieu of
 14 contributions who shall be charged for the full amount of regular
 15 benefit payments and the part of benefits not reimbursed by the federal
 16 government under the Federal-State Extended Unemployment
 17 Compensation Act of 1970 that are attributable to service in their
 18 employ. Irrespective of the twenty-eight percent (28%) maximum
 19 limitation provided for in this section, the part of benefits not
 20 reimbursed by the federal government under the Federal-State
 21 Extended Unemployment Compensation Act of 1970 paid to an eligible
 22 individual based on service with a governmental entity of this state or
 23 its political subdivisions shall be charged to the experience or
 24 reimbursable accounts of the employers, and the part of benefits not
 25 reimbursed by the federal government under the Federal-State
 26 Extended Unemployment Compensation Act of 1970 paid to an eligible
 27 individual shall be charged to the experience or reimbursable accounts
 28 of the individual's employers in the individual's base period, other than
 29 governmental entities of this state or its political subdivisions, in the
 30 same proportion and sequence as are provided in this section for
 31 regular benefits paid. Additional benefits paid under ~~IC 22-4-12-4(c)~~
 32 **IC 22-4-12-4(f)** and benefits paid under IC 22-4-15-1(c)(8) shall:

33 (1) be paid from the fund; and

34 (2) not be charged to the experience account or the reimbursable
 35 account of any employer.

36 (b) If the aggregate of wages paid to an individual by two (2) or
 37 more employers during the same calendar quarter exceeds the
 38 maximum wage credits (as defined in IC 22-4-4-3) then the experience
 39 or reimbursable account of each such employer shall be charged in the
 40 ratio which the amount of wage credits from such employer bears to the
 41 total amount of wage credits during the base period.

42 (c) When wage records show that an individual has been employed



1 by two (2) or more employers during the same calendar quarter of the
2 base period but do not indicate both that such employment was
3 consecutive and the order of sequence thereof, then and in such cases
4 it shall be deemed that the employer with whom the individual
5 established a plurality of wage credits in such calendar quarter is the
6 most recent employer in such quarter and its experience or
7 reimbursable account shall be first charged with benefits paid to such
8 individual. The experience or reimbursable account of the employer
9 with whom the next highest amount of wage credits were established
10 shall be charged secondly and the experience or reimbursable accounts
11 of other employers during such quarters, if any, shall likewise be
12 charged in order according to plurality of wage credits established by
13 such individual.

14 (d) Except as provided in subsection (f) or section 1.5 of this
15 chapter, if an individual:

16 (1) voluntarily leaves an employer without good cause in
17 connection with the work; or

18 (2) is discharged from an employer for just cause;

19 wage credits earned with the employer from whom the employee has
20 separated under these conditions shall be used to compute the
21 claimant's eligibility for benefits, but charges based on such wage
22 credits shall be paid from the fund and not charged to the experience
23 account of any employer. However, this exception shall not apply to
24 those employers who elect to make payments in lieu of contributions,
25 who shall be charged for all benefit payments which are attributable to
26 service in their employ.

27 (e) Any nonprofit organization which elects to make payments in
28 lieu of contributions into the unemployment compensation fund as
29 provided in this article is not liable to make the payments with respect
30 to the benefits paid to any individual whose base period wages include
31 wages for previously uncovered services as defined in IC 22-4-4-4, nor
32 is the experience account of any other employer liable for charges for
33 benefits paid the individual to the extent that the unemployment
34 compensation fund is reimbursed for these benefits pursuant to Section
35 121 of P.L.94-566. Payments which otherwise would have been
36 chargeable to the reimbursable or contributing employers shall be
37 charged to the fund.

38 (f) If an individual:

39 (1) earns wages during the individual's base period through
40 employment with two (2) or more employers concurrently;

41 (2) is separated from work by one (1) of the employers for reasons
42 that would not result in disqualification under IC 22-4-15-1; and



1 (3) continues to work for one (1) or more of the other employers
 2 after the end of the base period and continues to work during the
 3 applicable benefit year on substantially the same basis as during
 4 the base period;

5 wage credits earned with the base period employers shall be used to
 6 compute the claimant's eligibility for benefits, but charges based on the
 7 wage credits from the employer who continues to employ the individual
 8 shall be charged to the experience or reimbursable account of the
 9 separating employer.

10 (g) Subsection (f) does not affect the eligibility of a claimant who
 11 otherwise qualifies for benefits nor the computation of benefits.

12 (h) Unemployment benefits paid shall not be charged to the
 13 experience account of a base period employer when the claimant's
 14 unemployment from the employer was a direct result of the
 15 condemnation of property by a municipal corporation (as defined in
 16 IC 36-1-2-10), the state, or the federal government, a fire, a flood, or an
 17 act of nature, when at least fifty percent (50%) of the employer's
 18 employees, including the claimant, became unemployed as a result.
 19 This exception does not apply when the unemployment was an
 20 intentional result of the employer or a person acting on behalf of the
 21 employer.

22 SECTION 2. IC 22-4-12-4, AS AMENDED BY P.L.171-2016,
 23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]: Sec. 4. (a) Benefits shall be computed upon the basis
 25 of wage credits of an individual in the individual's base period. Wage
 26 credits shall be reported by the employer and credited to the individual
 27 in the manner prescribed by the department.

28 (b) With respect to initial claims filed for any week beginning on
 29 and after July 7, 1991, **and before July 1, 2024**, the maximum total
 30 amount of benefits payable to any eligible individual during any benefit
 31 period shall not exceed twenty-six (26) times the individual's weekly
 32 benefit, or twenty-eight percent (28%) of the individual's wage credits
 33 with respect to the individual's base period, whichever is less. If ~~such~~
 34 **the** maximum total amount of benefits is not a multiple of one dollar
 35 (\$1), it shall be computed to the next lower multiple of one dollar (\$1).

36 (c) **With respect to initial claims filed for any week beginning**
 37 **after June 30, 2024, the maximum total amount of benefits payable**
 38 **to any eligible individual during any benefit period shall not exceed**
 39 **fourteen (14) times the individual's weekly benefit. If the maximum**
 40 **total amount of benefits is not a multiple of one dollar (\$1), it shall**
 41 **be computed to the next lower multiple of one dollar (\$1).**

42 (d) **An otherwise eligible individual is entitled to additional**



1 **benefits during the individual's benefit period in an amount not to**
 2 **exceed two (2) times the individual's weekly benefit if the**
 3 **individual:**

4 **(1) has received the maximum total amount of benefits under**
 5 **subsection (c);**

6 **(2) is:**

7 **(A) enrolled; and**

8 **(B) making satisfactory progress;**

9 **in a job training program approved by the department; and**

10 **(3) is actively seeking work in accordance with IC 22-4-15-2.**

11 ~~(b)~~ **(e)** Except as provided in subsection ~~(d)~~; The total extended
 12 benefit amount payable to any eligible individual with respect to the
 13 individual's applicable benefit period shall be fifty percent (50%) of the
 14 total amount of regular benefits (including dependents' allowances)
 15 which were payable to the individual under this article in the applicable
 16 benefit year, or thirteen (13) times the weekly benefit amount
 17 (including dependents' allowances) which was payable to the individual
 18 under this article for a week of total unemployment in the applicable
 19 benefit year, whichever is the lesser amount.

20 ~~(e)~~ **(f)** This subsection applies to individuals who file a disaster
 21 unemployment claim or a state unemployment insurance claim after
 22 June 1, 1990, and before June 2, 1991, or during another time specified
 23 in another state statute. An individual is entitled to thirteen (13) weeks
 24 of additional benefits, as originally determined, if:

25 (1) the individual has established:

26 (A) a disaster unemployment claim under the Stafford Disaster
 27 Relief and Emergency Assistance Act; or

28 (B) a state unemployment insurance claim as a direct result of
 29 a major disaster;

30 (2) all regular benefits and all disaster unemployment assistance
 31 benefits:

32 (A) have been exhausted by the individual; or

33 (B) are no longer payable to the individual due to the
 34 expiration of the disaster assistance period; and

35 (3) the individual remains unemployed as a direct result of the
 36 disaster.

37 ~~(d)~~ 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(d)(1) were applied by substituting "eight percent
 40 (8%)" for "six and five-tenths percent (6.5%)". Effective with respect
 41 to weeks beginning in a high unemployment period, the total extended
 42 benefit amount payable to an eligible individual with respect to the



1 applicable benefit year is equal to the least of the following amounts:

2 (1) Eighty percent (80%) of the total amount of regular benefits
3 that were payable to the eligible individual under this article in
4 the applicable benefit year:

5 (2) Twenty (20) times the weekly benefit amount that was payable
6 to the eligible individual under this article for a week of total
7 unemployment in the applicable benefit year:

8 (3) Forty-six (46) times the weekly benefit amount that was
9 payable to the eligible individual under this article for a week of
10 total unemployment in the applicable benefit year; reduced by the
11 regular unemployment compensation benefits paid (or deemed
12 paid) during the benefit year:

13 This subsection expires on the later of December 5, 2009; or the week
14 ending four (4) weeks before the last week for which federal sharing is
15 authorized by Section 2005(a) of Division B, Title H (the federal
16 Assistance to Unemployed Workers and Struggling Families Act) of
17 the federal American Recovery and Reinvestment Act of 2009 (P.L.
18 111-5).

19 (e) For purposes of this subsection, "high unemployment period"
20 means a period during which an extended benefit period would be in
21 effect if IC 22-4-2-34(n)(1) were applied by substituting "eight percent
22 (8%)" for "six and one-half percent (6.5%)". Effective with respect to
23 weeks of unemployment beginning after March 1, 2011, and ending on
24 the later of December 10, 2011; or the week ending four (4) weeks
25 before the last week for which federal sharing is authorized by Section
26 2005(a) of Division B, Title H (the federal Assistance to Unemployed
27 and Struggling Families Act) of the federal American Recovery and
28 Reinvestment Act of 2009 (P.L. 111-5); in a high unemployment
29 period; the total extended benefit amount payable to an eligible
30 individual with respect to the applicable benefit year is equal to the
31 lesser of the following amounts:

32 (1) Eighty percent (80%) of the total amount of regular benefits
33 that were payable to the eligible individual under this article in
34 the applicable benefit year:

35 (2) Twenty (20) times the weekly benefit amount that was payable
36 to the eligible individual under this article for a week of total
37 unemployment in the applicable benefit year:

