

Adopted Rejected

COMMITTEE REPORT

YES: **8**
NO: **5**

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

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3 Page 4, between lines 9 and 10, begin a new paragraph and insert:
4 "SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.31-2000,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2002]: Sec. 10. (a) With respect to injuries in the following
7 schedule occurring prior to April 1, 1951, the employee shall receive
8 in addition to temporary total disability benefits not exceeding
9 twenty-six (26) weeks on account of the injuries, a weekly
10 compensation of fifty-five percent (55%) of the employee's average
11 weekly wages. With respect to injuries in the following schedule
12 occurring on and after April 1, 1951, and prior to July 1, 1971, the
13 employee shall receive in addition to temporary total disability benefits
14 not exceeding twenty-six (26) weeks on account of the injuries, a

1 weekly compensation of sixty percent (60%) of the employee's average
2 weekly wages. With respect to injuries in the following schedule
3 occurring on and after July 1, 1971, and before July 1, 1977, the
4 employee shall receive in addition to temporary total disability benefits
5 not exceeding twenty-six (26) weeks on account of the injuries, a
6 weekly compensation of sixty percent (60%) of the employee's average
7 weekly wages not to exceed one hundred dollars (\$100) average weekly
8 wages, for the periods stated for the injuries. With respect to injuries
9 in the following schedule occurring on and after July 1, 1977, and
10 before July 1, 1979, the employee shall receive, in addition to
11 temporary total disability benefits not exceeding twenty-six (26) weeks
12 on account of the injury, a weekly compensation of sixty percent (60%)
13 of his average weekly wages, not to exceed one hundred twenty-five
14 dollars (\$125) average weekly wages, for the period stated for the
15 injury. With respect to injuries in the following schedule occurring on
16 and after July 1, 1979, and before July 1, 1988, the employee shall
17 receive, in addition to temporary total disability benefits not to exceed
18 fifty-two (52) weeks on account of the injury, a weekly compensation
19 of sixty percent (60%) of the employee's average weekly wages, not to
20 exceed one hundred twenty-five dollars (\$125) average weekly wages,
21 for the period stated for the injury. With respect to injuries in the
22 following schedule occurring on and after July 1, 1988, and before July
23 1, 1989, the employee shall receive, in addition to temporary total
24 disability benefits not exceeding seventy-eight (78) weeks on account
25 of the injury, a weekly compensation of sixty percent (60%) of the
26 employee's average weekly wages, not to exceed one hundred sixty-six
27 dollars (\$166) average weekly wages, for the period stated for the
28 injury.

29 With respect to injuries in the following schedule occurring on and
30 after July 1, 1989, and before July 1, 1990, the employee shall receive,
31 in addition to temporary total disability benefits not exceeding
32 seventy-eight (78) weeks on account of the injury, a weekly
33 compensation of sixty percent (60%) of the employee's average weekly
34 wages, not to exceed one hundred eighty-three dollars (\$183) average
35 weekly wages, for the period stated for the injury.

36 With respect to injuries in the following schedule occurring on and
37 after July 1, 1990, and before July 1, 1991, the employee shall receive,
38 in addition to temporary total disability benefits not exceeding

1 seventy-eight (78) weeks on account of the injury, a weekly
2 compensation of sixty percent (60%) of the employee's average weekly
3 wages, not to exceed two hundred dollars (\$200) average weekly
4 wages, for the period stated for the injury.

5 (1) Amputation: For the loss by separation of the thumb, sixty
6 (60) weeks, of the index finger forty (40) weeks, of the second
7 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
8 weeks, of the fourth or little finger twenty (20) weeks, of the hand
9 by separation below the elbow joint two hundred (200) weeks, or
10 the arm above the elbow two hundred fifty (250) weeks, of the big
11 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
12 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
13 of the fifth or little toe ten (10) weeks, and for loss occurring
14 before April 1, 1959, by separation of the foot below the knee
15 joint one hundred fifty (150) weeks and of the leg above the knee
16 joint two hundred (200) weeks; for loss occurring on and after
17 April 1, 1959, by separation of the foot below the knee joint, one
18 hundred seventy-five (175) weeks and of the leg above the knee
19 joint two hundred twenty-five (225) weeks. The loss of more than
20 one (1) phalange of a thumb or toes shall be considered as the loss
21 of the entire thumb or toe. The loss of more than two (2)
22 phalanges of a finger shall be considered as the loss of the entire
23 finger. The loss of not more than one (1) phalange of a thumb or
24 toe shall be considered as the loss of one-half (1/2) of the thumb
25 or toe and compensation shall be paid for one-half (1/2) of the
26 period for the loss of the entire thumb or toe. The loss of not more
27 than one (1) phalange of a finger shall be considered as the loss
28 of one-third (1/3) of the finger and compensation shall be paid for
29 one-third (1/3) the period for the loss of the entire finger. The loss
30 of more than one (1) phalange of the finger but not more than two
31 (2) phalanges of the finger, shall be considered as the loss of
32 one-half (1/2) of the finger and compensation shall be paid for
33 one-half (1/2) of the period for the loss of the entire finger.

34 (2) For the loss by separation of both hands or both feet or the
35 total sight of both eyes, or any two (2) such losses in the same
36 accident, five hundred (500) weeks.

37 (3) For the permanent and complete loss of vision by enucleation
38 or its reduction to one-tenth (1/10) of normal vision with glasses,

1 one hundred seventy-five (175) weeks.

2 (4) For the permanent and complete loss of hearing in one (1) ear,
3 seventy-five (75) weeks, and in both ears, two hundred (200)
4 weeks.

5 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
6 both testicles, one hundred fifty (150) weeks.

7 (b) With respect to injuries in the following schedule occurring prior
8 to April 1, 1951, the employee shall receive in lieu of all other
9 compensation on account of the injuries, a weekly compensation of
10 fifty-five percent (55%) of the employee's average weekly wages. With
11 respect to injuries in the following schedule occurring on and after
12 April 1, 1951, and prior to April 1, 1955, the employee shall receive in
13 lieu of all other compensation on account of the injuries a weekly
14 compensation of sixty percent (60%) of the employee's average weekly
15 wages. With respect to injuries in the following schedule occurring on
16 and after April 1, 1955, and prior to July 1, 1971, the employee shall
17 receive in addition to temporary total disability benefits not exceeding
18 twenty-six (26) weeks on account of the injuries, a weekly
19 compensation of sixty percent (60%) of the employee's average weekly
20 wages. With respect to injuries in the following schedule occurring on
21 and after July 1, 1971, and before July 1, 1977, the employee shall
22 receive in addition to temporary total disability benefits not exceeding
23 twenty-six (26) weeks on account of the injuries, a weekly
24 compensation of sixty percent (60%) of the employee's average weekly
25 wages, not to exceed one hundred dollars (\$100) average weekly
26 wages, for the period stated for such injuries respectively. With respect
27 to injuries in the following schedule occurring on and after July 1,
28 1977, and before July 1, 1979, the employee shall receive, in addition
29 to temporary total disability benefits not exceeding twenty-six (26)
30 weeks on account of the injury, a weekly compensation of sixty percent
31 (60%) of the employee's average weekly wages not to exceed one
32 hundred twenty-five dollars (\$125) average weekly wages, for the
33 period stated for the injury. With respect to injuries in the following
34 schedule occurring on and after July 1, 1979, and before July 1, 1988,
35 the employee shall receive, in addition to temporary total disability
36 benefits not exceeding fifty-two (52) weeks on account of the injury, a
37 weekly compensation of sixty percent (60%) of the employee's average
38 weekly wages not to exceed one hundred twenty-five dollars (\$125)

1 average weekly wages for the period stated for the injury. With respect
 2 to injuries in the following schedule occurring on and after July 1,
 3 1988, and before July 1, 1989, the employee shall receive, in addition
 4 to temporary total disability benefits not exceeding seventy-eight (78)
 5 weeks on account of the injury, a weekly compensation of sixty percent
 6 (60%) of the employee's average weekly wages, not to exceed one
 7 hundred sixty-six dollars (\$166) average weekly wages, for the period
 8 stated for the injury.

9 With respect to injuries in the following schedule occurring on and
 10 after July 1, 1989, and before July 1, 1990, the employee shall receive,
 11 in addition to temporary total disability benefits not exceeding
 12 seventy-eight (78) weeks on account of the injury, a weekly
 13 compensation of sixty percent (60%) of the employee's average weekly
 14 wages, not to exceed one hundred eighty-three dollars (\$183) average
 15 weekly wages, for the period stated for the injury.

16 With respect to injuries in the following schedule occurring on and
 17 after July 1, 1990, and before July 1, 1991, the employee shall receive,
 18 in addition to temporary total disability benefits not exceeding
 19 seventy-eight (78) weeks on account of the injury, a weekly
 20 compensation of sixty percent (60%) of the employee's average weekly
 21 wages, not to exceed two hundred dollars (\$200) average weekly
 22 wages, for the period stated for the injury.

23 (1) Loss of use: The total permanent loss of the use of an arm,
 24 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 25 as the equivalent of the loss by separation of the arm, hand,
 26 thumb, finger, leg, foot, toe, or phalange, and compensation shall
 27 be paid for the same period as for the loss thereof by separation.

28 (2) Partial loss of use: For the permanent partial loss of the use of
 29 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 30 compensation shall be paid for the proportionate loss of the use of
 31 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

32 (3) For injuries resulting in total permanent disability, five
 33 hundred (500) weeks.

34 (4) For any permanent reduction of the sight of an eye less than a
 35 total loss as specified in subsection (a)(3), compensation shall be
 36 paid for a period proportionate to the degree of such permanent
 37 reduction without correction or glasses. However, when such
 38 permanent reduction without correction or glasses would result in

1 one hundred percent (100%) loss of vision, but correction or
2 glasses would result in restoration of vision, then in such event
3 compensation shall be paid for fifty percent (50%) of such total
4 loss of vision without glasses, plus an additional amount equal to
5 the proportionate amount of such reduction with glasses, not to
6 exceed an additional fifty percent (50%).

7 (5) For any permanent reduction of the hearing of one (1) or both
8 ears, less than the total loss as specified in subsection (a)(4),
9 compensation shall be paid for a period proportional to the degree
10 of such permanent reduction.

11 (6) In all other cases of permanent partial impairment,
12 compensation proportionate to the degree of such permanent
13 partial impairment, in the discretion of the worker's compensation
14 board, not exceeding five hundred (500) weeks.

15 (7) In all cases of permanent disfigurement which may impair the
16 future usefulness or opportunities of the employee, compensation,
17 in the discretion of the worker's compensation board, not
18 exceeding two hundred (200) weeks, except that no compensation
19 shall be payable under this subdivision where compensation is
20 payable elsewhere in this section.

21 (c) With respect to injuries in the following schedule occurring on
22 and after July 1, 1991, the employee shall receive in addition to
23 temporary total disability benefits, not exceeding one hundred
24 twenty-five (125) weeks on account of the injury, compensation in an
25 amount determined under the following schedule to be paid weekly at
26 a rate of sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's
27 average weekly wages during the fifty-two (52) weeks immediately
28 preceding the week in which the injury occurred.

29 (1) Amputation: For the loss by separation of the thumb, twelve
30 (12) degrees of permanent impairment; of the index finger, eight
31 (8) degrees of permanent impairment; of the second finger, seven
32 (7) degrees of permanent impairment; of the third or ring finger,
33 six (6) degrees of permanent impairment; of the fourth or little
34 finger, four (4) degrees of permanent impairment; of the hand by
35 separation below the elbow joint, forty (40) degrees of permanent
36 impairment; of the arm above the elbow, fifty (50) degrees of
37 permanent impairment; of the big toe, twelve (12) degrees of
38 permanent impairment; of the second toe, six (6) degrees of

1 permanent impairment; of the third toe, four (4) degrees of
2 permanent impairment; of the fourth toe, three (3) degrees of
3 permanent impairment; of the fifth or little toe, two (2) degrees of
4 permanent impairment; by separation of the foot below the knee
5 joint, thirty-five (35) degrees of permanent impairment; and of the
6 leg above the knee joint, forty-five (45) degrees of permanent
7 impairment.

8 (2) Amputations: For the loss by separation of any of the body
9 parts described in subdivision (1) on or after July 1, 1997, and for
10 the loss by separation of any of the body parts described in
11 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
12 values per degree applying on the date of the injury as described
13 in subsection (d) shall be multiplied by two (2). However, the
14 doubling provision of this subdivision does not apply to a loss of
15 use that is not a loss by separation.

16 (3) The loss of more than one (1) phalange of a thumb or toe shall
17 be considered as the loss of the entire thumb or toe. The loss of
18 more than two (2) phalanges of a finger shall be considered as the
19 loss of the entire finger. The loss of not more than one (1)
20 phalange of a thumb or toe shall be considered as the loss of
21 one-half (1/2) of the degrees of permanent impairment for the loss
22 of the entire thumb or toe. The loss of not more than one (1)
23 phalange of a finger shall be considered as the loss of one-third
24 (1/3) of the finger and compensation shall be paid for one-third
25 (1/3) of the degrees payable for the loss of the entire finger. The
26 loss of more than one (1) phalange of the finger but not more than
27 two (2) phalanges of the finger shall be considered as the loss of
28 one-half (1/2) of the finger and compensation shall be paid for
29 one-half (1/2) of the degrees payable for the loss of the entire
30 finger.

31 (4) For the loss by separation of both hands or both feet or the
32 total sight of both eyes or any two (2) such losses in the same
33 accident, one hundred (100) degrees of permanent impairment.

34 (5) For the permanent and complete loss of vision by enucleation,
35 thirty-five (35) degrees of permanent impairment.

36 (6) For the reduction of vision to one-tenth (1/10) of normal
37 vision with glasses, thirty-five (35) degrees of permanent
38 impairment.

- 1 (7) For the permanent and complete loss of hearing in one (1) ear,
2 fifteen (15) degrees of permanent impairment, and in both ears,
3 forty (40) degrees of permanent impairment.
- 4 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
5 impairment; for the loss of both testicles, thirty (30) degrees of
6 permanent impairment.
- 7 (9) Loss of use: The total permanent loss of the use of an arm, a
8 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
9 considered as the equivalent of the loss by separation of the arm,
10 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
11 shall be paid in the same amount as for the loss by separation.
12 However, the doubling provision of subdivision (2) does not
13 apply to a loss of use that is not a loss by separation.
- 14 (10) Partial loss of use: For the permanent partial loss of the use
15 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
16 phalange, compensation shall be paid for the proportionate loss of
17 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 18 (11) For injuries resulting in total permanent disability, the
19 amount payable for impairment or five hundred (500) weeks of
20 compensation, whichever is greater.
- 21 (12) For any permanent reduction of the sight of an eye less than
22 a total loss as specified in subsection (a)(3), the compensation
23 shall be paid in an amount proportionate to the degree of a
24 permanent reduction without correction or glasses. However,
25 when a permanent reduction without correction or glasses would
26 result in one hundred percent (100%) loss of vision, then
27 compensation shall be paid for fifty percent (50%) of the total loss
28 of vision without glasses, plus an additional amount equal to the
29 proportionate amount of the reduction with glasses, not to exceed
30 an additional fifty percent (50%).
- 31 (13) For any permanent reduction of the hearing of one (1) or both
32 ears, less than the total loss as specified in subsection (a)(4),
33 compensation shall be paid in an amount proportionate to the
34 degree of a permanent reduction.
- 35 (14) In all other cases of permanent partial impairment,
36 compensation proportionate to the degree of a permanent partial
37 impairment, in the discretion of the worker's compensation board,
38 not exceeding one hundred (100) degrees of permanent

1 impairment.

2 (15) In all cases of permanent disfigurement which may impair
3 the future usefulness or opportunities of the employee,
4 compensation, in the discretion of the worker's compensation
5 board, not exceeding forty (40) degrees of permanent impairment
6 except that no compensation shall be payable under this
7 subdivision where compensation is payable elsewhere in this
8 section.

9 (d) Compensation for permanent partial impairment shall be paid
10 according to the degree of permanent impairment for the injury
11 determined under subsection (c) and the following:

12 (1) With respect to injuries occurring on and after July 1, 1991,
13 and before July 1, 1992, for each degree of permanent impairment
14 from one (1) to thirty-five (35), five hundred dollars (\$500) per
15 degree; for each degree of permanent impairment from thirty-six
16 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
17 degree of permanent impairment above fifty (50), one thousand
18 five hundred dollars (\$1,500) per degree.

19 (2) With respect to injuries occurring on and after July 1, 1992,
20 and before July 1, 1993, for each degree of permanent impairment
21 from one (1) to twenty (20), five hundred dollars (\$500) per
22 degree; for each degree of permanent impairment from
23 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
24 per degree; for each degree of permanent impairment from
25 thirty-six (36) to fifty (50), one thousand three hundred dollars
26 (\$1,300) per degree; for each degree of permanent impairment
27 above fifty (50), one thousand seven hundred dollars (\$1,700) per
28 degree.

29 (3) With respect to injuries occurring on and after July 1, 1993,
30 and before July 1, 1997, for each degree of permanent impairment
31 from one (1) to ten (10), five hundred dollars (\$500) per degree;
32 for each degree of permanent impairment from eleven (11) to
33 twenty (20), seven hundred dollars (\$700) per degree; for each
34 degree of permanent impairment from twenty-one (21) to
35 thirty-five (35), one thousand dollars (\$1,000) per degree; for
36 each degree of permanent impairment from thirty-six (36) to fifty
37 (50), one thousand four hundred dollars (\$1,400) per degree; for
38 each degree of permanent impairment above fifty (50), one

- 1 thousand seven hundred dollars (\$1,700) per degree.
- 2 (4) With respect to injuries occurring on and after July 1, 1997,
3 and before July 1, 1998, for each degree of permanent impairment
4 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
5 degree; for each degree of permanent impairment from eleven
6 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
7 for each degree of permanent impairment from thirty-six (36) to
8 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
9 for each degree of permanent impairment above fifty (50), one
10 thousand seven hundred dollars (\$1,700) per degree.
- 11 (5) With respect to injuries occurring on and after July 1, 1998,
12 and before July 1, 1999, for each degree of permanent impairment
13 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
14 degree; for each degree of permanent impairment from eleven
15 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
16 for each degree of permanent impairment from thirty-six (36) to
17 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
18 for each degree of permanent impairment above fifty (50), one
19 thousand seven hundred dollars (\$1,700) per degree.
- 20 (6) With respect to injuries occurring on and after July 1, 1999,
21 and before July 1, 2000, for each degree of permanent impairment
22 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
23 for each degree of permanent impairment from eleven (11) to
24 thirty-five (35), one thousand one hundred dollars (\$1,100) per
25 degree; for each degree of permanent impairment from thirty-six
26 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
27 degree; for each degree of permanent impairment above fifty (50),
28 two thousand dollars (\$2,000) per degree.
- 29 (7) With respect to injuries occurring on and after July 1, 2000,
30 and before July 1, 2001, for each degree of permanent impairment
31 from one (1) to ten (10), one thousand one hundred dollars
32 (\$1,100) per degree; for each degree of permanent impairment
33 from eleven (11) to thirty-five (35), one thousand three hundred
34 dollars (\$1,300) per degree; for each degree of permanent
35 impairment from thirty-six (36) to fifty (50), two thousand dollars
36 (\$2,000) per degree; for each degree of permanent impairment
37 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
38 per degree.

1 (8) With respect to injuries occurring on and after July 1, 2001,
 2 **and before July 1, 2002**, for each degree of permanent
 3 impairment from one (1) to ten (10), one thousand three hundred
 4 dollars (\$1,300) per degree; for each degree of permanent
 5 impairment from eleven (11) to thirty-five (35), one thousand five
 6 hundred dollars (\$1,500) per degree; for each degree of
 7 permanent impairment from thirty-six (36) to fifty (50), two
 8 thousand four hundred dollars (\$2,400) per degree; for each
 9 degree of permanent impairment above fifty (50), three thousand
 10 dollars (\$3,000) per degree.

11 (9) With respect to injuries occurring on and after July 1,
 12 **2002, and before July 1, 2003**, for each degree of permanent
 13 **impairment from one (1) to ten (10), two thousand fifty**
 14 **dollars (\$2,050) per degree; for each degree of permanent**
 15 **impairment from eleven (11) to thirty-five (35), two thousand**
 16 **seven hundred dollars (\$2,700) per degree; for each degree of**
 17 **permanent impairment from thirty-six (36) to fifty (50), three**
 18 **thousand three hundred dollars (\$3,300) per degree; for each**
 19 **degree of permanent impairment above fifty (50), three**
 20 **thousand nine hundred dollars (\$3,900) per degree.**

21 (10) With respect to injuries occurring on and after July 1,
 22 **2003**, for each degree of permanent impairment from one (1)
 23 **to ten (10), two thousand four hundred dollars (\$2,400) per**
 24 **degree; for each degree of permanent impairment from eleven**
 25 **(11) to thirty-five (35), three thousand seventy-five dollars**
 26 **(\$3,075) per degree; for each degree of permanent**
 27 **impairment from thirty-six (36) to fifty (50), three thousand**
 28 **seven hundred seventy-five dollars (\$3,775) per degree; for**
 29 **each degree of permanent impairment above fifty (50), four**
 30 **thousand five hundred twenty-five dollars (\$4,525) per degree.**

31 (e) The average weekly wages used in the determination of
 32 compensation for permanent partial impairment under subsections (c)
 33 and (d) shall not exceed the following:

34 (1) With respect to injuries occurring on or after July 1, 1991, and
 35 before July 1, 1992, four hundred ninety-two dollars (\$492).

36 (2) With respect to injuries occurring on or after July 1, 1992, and
 37 before July 1, 1993, five hundred forty dollars (\$540).

38 (3) With respect to injuries occurring on or after July 1, 1993, and

- 1 before July 1, 1994, five hundred ninety-one dollars (\$591).
- 2 (4) With respect to injuries occurring on or after July 1, 1994, and
- 3 before July 1, 1997, six hundred forty-two dollars (\$642).
- 4 (5) With respect to injuries occurring on or after July 1, 1997, and
- 5 before July 1, 1998, six hundred seventy-two dollars (\$672).
- 6 (6) With respect to injuries occurring on or after July 1, 1998, and
- 7 before July 1, 1999, seven hundred two dollars (\$702).
- 8 (7) With respect to injuries occurring on or after July 1, 1999, and
- 9 before July 1, 2000, seven hundred thirty-two dollars (\$732).
- 10 (8) With respect to injuries occurring on or after July 1, 2000, and
- 11 before July 1, 2001, seven hundred sixty-two dollars (\$762).
- 12 (9) With respect to injuries occurring on or after July 1, 2001, and
- 13 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 14 (10) With respect to injuries occurring on or after July 1, 2002,
- 15 **and before July 1, 2003, eight hundred eighty-two dollars**
- 16 **(\$882).**
- 17 **(11) With respect to injuries occurring on or after July 1,**
- 18 **2003, nine hundred forty-two dollars (\$942).**

19 SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.31-2000,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2002]: Sec. 22. (a) In computing the compensation under this
 22 law with respect to injuries occurring on and after April 1, 1963, and
 23 prior to April 1, 1965, the average weekly wages shall be considered
 24 to be not more than seventy dollars (\$70) nor less than thirty dollars
 25 (\$30). In computing the compensation under this law with respect to
 26 injuries occurring on and after April 1, 1965, and prior to April 1,
 27 1967, the average weekly wages shall be considered to be not more
 28 than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In
 29 computing the compensation under this law with respect to injuries
 30 occurring on and after April 1, 1967, and prior to April 1, 1969, the
 31 average weekly wages shall be considered to be not more than
 32 eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In
 33 computing the compensation under this law with respect to injuries
 34 occurring on and after April 1, 1969, and prior to July 1, 1971, the
 35 average weekly wages shall be considered to be not more than
 36 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In
 37 computing the compensation under this law with respect to injuries
 38 occurring on and after July 1, 1971, and prior to July 1, 1974, the

1 average weekly wages shall be considered to be: (A) Not more than: (1)
2 one hundred dollars (\$100) if no dependents; (2) one hundred five
3 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)
4 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three
5 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4)
6 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)
7 or more dependents; and (B) Not less than thirty-five dollars (\$35). In
8 computing compensation for temporary total disability, temporary
9 partial disability, and total permanent disability under this law with
10 respect to injuries occurring on and after July 1, 1974, and before July
11 1, 1976, the average weekly wages shall be considered to be (A) not
12 more than one hundred thirty-five dollars (\$135), and (B) not less than
13 seventy-five dollars (\$75). However, the weekly compensation payable
14 shall in no case exceed the average weekly wages of the employee at
15 the time of the injury. In computing compensation for temporary total
16 disability, temporary partial disability and total permanent disability
17 under this law with respect to injuries occurring on and after July 1,
18 1976, and before July 1, 1977, the average weekly wages shall be
19 considered to be (1) not more than one hundred fifty-six dollars (\$156)
20 and (2) not less than seventy-five dollars (\$75). However, the weekly
21 compensation payable shall not exceed the average weekly wages of
22 the employee at the time of the injury. In computing compensation for
23 temporary total disability, temporary partial disability, and total
24 permanent disability, with respect to injuries occurring on and after
25 July 1, 1977, and before July 1, 1979, the average weekly wages are
26 considered to be (1) not more than one hundred eighty dollars (\$180);
27 and (2) not less than seventy-five dollars (\$75). However, the weekly
28 compensation payable may not exceed the average weekly wages of the
29 employee at the time of the injury. In computing compensation for
30 temporary total disability, temporary partial disability, and total
31 permanent disability, with respect to injuries occurring on and after
32 July 1, 1979, and before July 1, 1980, the average weekly wages are
33 considered to be (1) not more than one hundred ninety-five dollars
34 (\$195), and (2) not less than seventy-five dollars (\$75). However, the
35 weekly compensation payable shall not exceed the average weekly
36 wages of the employee at the time of the injury. In computing
37 compensation for temporary total disability, temporary partial
38 disability, and total permanent disability, with respect to injuries

1 occurring on and after July 1, 1980, and before July 1, 1983, the
2 average weekly wages are considered to be (1) not more than two
3 hundred ten dollars (\$210), and (2) not less than seventy-five dollars
4 (\$75). However, the weekly compensation payable shall not exceed the
5 average weekly wages of the employee at the time of the injury. In
6 computing compensation for temporary total disability, temporary
7 partial disability, and total permanent disability, with respect to injuries
8 occurring on and after July 1, 1983, and before July 1, 1984, the
9 average weekly wages are considered to be (1) not more than two
10 hundred thirty-four dollars (\$234) and (2) not less than seventy-five
11 dollars (\$75). However, the weekly compensation payable shall not
12 exceed the average weekly wages of the employee at the time of the
13 injury. In computing compensation for temporary total disability,
14 temporary partial disability, and total permanent disability, with respect
15 to injuries occurring on and after July 1, 1984, and before July 1, 1985,
16 the average weekly wages are considered to be (1) not more than two
17 hundred forty-nine dollars (\$249) and (2) not less than seventy-five
18 dollars (\$75). However, the weekly compensation payable shall not
19 exceed the average weekly wages of the employee at the time of the
20 injury. In computing compensation for temporary total disability,
21 temporary partial disability, and total permanent disability, with respect
22 to injuries occurring on and after July 1, 1985, and before July 1, 1986,
23 the average weekly wages are considered to be (1) not more than two
24 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five
25 dollars (\$75). However, the weekly compensation payable shall not
26 exceed the average weekly wages of the employee at the time of the
27 injury. In computing compensation for temporary total disability,
28 temporary partial disability, and total permanent disability, with respect
29 to injuries occurring on and after July 1, 1986, and before July 1, 1988,
30 the average weekly wages are considered to be (1) not more than two
31 hundred eighty-five dollars (\$285) and (2) not less than seventy-five
32 dollars (\$75). However, the weekly compensation payable shall not
33 exceed the average weekly wages of the employee at the time of the
34 injury. In computing compensation for temporary total disability,
35 temporary partial disability, and total permanent disability, with respect
36 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
37 the average weekly wages are considered to be (1) not more than three
38 hundred eighty-four dollars (\$384) and (2) not less than seventy-five

1 dollars (\$75). However, the weekly compensation payable shall not
2 exceed the average weekly wages of the employee at the time of the
3 injury.

4 In computing compensation for temporary total disability, temporary
5 partial disability, and total permanent disability, with respect to injuries
6 occurring on and after July 1, 1989, and before July 1, 1990, the
7 average weekly wages are considered to be (1) not more than four
8 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars
9 (\$75). However, the weekly compensation payable shall not exceed the
10 average weekly wages of the employee at the time of the injury.

11 In computing compensation for temporary total disability, temporary
12 partial disability, and total permanent disability, with respect to injuries
13 occurring on and after July 1, 1990, and before July 1, 1991, the
14 average weekly wages are considered to be (1) not more than four
15 hundred forty-one dollars (\$441) and (2) not less than seventy-five
16 dollars (\$75). However, the weekly compensation payable shall not
17 exceed the average weekly wages of the employee at the time of the
18 injury.

19 In computing compensation for temporary total disability, temporary
20 partial disability, and total permanent disability, with respect to injuries
21 occurring on and after July 1, 1991, and before July 1, 1992, the
22 average weekly wages are considered to be (1) not more than four
23 hundred ninety-two dollars (\$492) and (2) not less than seventy-five
24 dollars (\$75). However, the weekly compensation payable shall not
25 exceed the average weekly wages of the employee at the time of the
26 injury.

27 In computing compensation for temporary total disability, temporary
28 partial disability, and total permanent disability, with respect to injuries
29 occurring on and after July 1, 1992, and before July 1, 1993, the
30 average weekly wages are considered to be (1) not more than five
31 hundred forty dollars (\$540) and (2) not less than seventy-five dollars
32 (\$75). However, the weekly compensation payable shall not exceed the
33 average weekly wages of the employee at the time of the injury.

34 In computing compensation for temporary total disability, temporary
35 partial disability, and total permanent disability, with respect to injuries
36 occurring on and after July 1, 1993, and before July 1, 1994, the
37 average weekly wages are considered to be (1) not more than five
38 hundred ninety-one dollars (\$591) and (2) not less than seventy-five

1 dollars (\$75). However, the weekly compensation payable shall not
 2 exceed the average weekly wages of the employee at the time of the
 3 injury.

4 In computing compensation for temporary total disability, temporary
 5 partial disability, and total permanent disability, with respect to injuries
 6 occurring on and after July 1, 1994, and before July 1, 1997, the
 7 average weekly wages are considered to be (1) not more than six
 8 hundred forty-two dollars (\$642) and (2) not less than seventy-five
 9 dollars (\$75). However, the weekly compensation payable shall not
 10 exceed the average weekly wages of the employee at the time of the
 11 injury.

12 (b) In computing compensation for temporary total disability,
 13 temporary partial disability, and total permanent disability, the average
 14 weekly wages are considered to be:

15 (1) with respect to injuries occurring on and after July 1, 1997,
 16 and before July 1, 1998:

17 (A) not more than six hundred seventy-two dollars (\$672); and

18 (B) not less than seventy-five dollars (\$75);

19 (2) with respect to injuries occurring on and after July 1, 1998,
 20 and before July 1, 1999:

21 (A) not more than seven hundred two dollars (\$702); and

22 (B) not less than seventy-five dollars (\$75);

23 (3) with respect to injuries occurring on and after July 1, 1999,
 24 and before July 1, 2000:

25 (A) not more than seven hundred thirty-two dollars (\$732);
 26 and

27 (B) not less than seventy-five dollars (\$75);

28 (4) with respect to injuries occurring on and after July 1, 2000,
 29 and before July 1, 2001:

30 (A) not more than seven hundred sixty-two dollars (\$762); and

31 (B) not less than seventy-five dollars (\$75);

32 (5) with respect to injuries occurring on and after July 1, 2001,
 33 and before July 1, 2002:

34 (A) not more than eight hundred twenty-two dollars (\$822);
 35 and

36 (B) not less than seventy-five dollars (\$75); ~~and~~

37 (6) with respect to injuries occurring on and after July 1, 2002,
 38 **and before July 1, 2003:**

- 1 (A) not more than eight hundred eighty-two dollars (\$882);
- 2 and
- 3 (B) not less than seventy-five dollars (\$75); **and**
- 4 **(7) with respect to injuries occurring on and after July 1,**
- 5 **2003:**
- 6 (A) **not more than nine hundred forty-two dollars (\$942);**
- 7 **and**
- 8 (B) **not less than seventy-five dollars (\$75).**

9 However, the weekly compensation payable shall not exceed the
 10 average weekly wages of the employee at the time of the injury.

11 (c) For the purpose of this section only and with respect to injuries
 12 occurring on and after July 1, 1971, and prior to July 1, 1974, only, the
 13 term "dependent" as used in this section shall mean persons defined as
 14 presumptive dependents under section 19 of this chapter, except that
 15 such dependency shall be determined as of the date of the injury to the
 16 employee.

17 (d) With respect to any injury occurring on and after April 1, 1955,
 18 and prior to April 1, 1957, the maximum compensation exclusive of
 19 medical benefits, which shall be paid for an injury under any provisions
 20 of this law or under any combination of its provisions shall not exceed
 21 twelve thousand five hundred dollars (\$12,500) in any case. With
 22 respect to any injury occurring on and after April 1, 1957 and prior to
 23 April 1, 1963, the maximum compensation exclusive of medical
 24 benefits, which shall be paid for an injury under any provision of this
 25 law or under any combination of its provisions shall not exceed fifteen
 26 thousand dollars (\$15,000) in any case. With respect to any injury
 27 occurring on and after April 1, 1963, and prior to April 1, 1965, the
 28 maximum compensation exclusive of medical benefits, which shall be
 29 paid for an injury under any provision of this law or under any
 30 combination of its provisions shall not exceed sixteen thousand five
 31 hundred dollars (\$16,500) in any case. With respect to any injury
 32 occurring on and after April 1, 1965, and prior to April 1, 1967, the
 33 maximum compensation exclusive of medical benefits which shall be
 34 paid for any injury under any provision of this law or any combination
 35 of provisions shall not exceed twenty thousand dollars (\$20,000) in any
 36 case. With respect to any injury occurring on and after April 1, 1967,
 37 and prior to July 1, 1971, the maximum compensation exclusive of
 38 medical benefits which shall be paid for an injury under any provision

1 of this law or any combination of provisions shall not exceed
2 twenty-five thousand dollars (\$25,000) in any case. With respect to any
3 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the
4 maximum compensation exclusive of medical benefits which shall be
5 paid for any injury under any provision of this law or any combination
6 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
7 case. With respect to any injury occurring on and after July 1, 1974,
8 and before July 1, 1976, the maximum compensation exclusive of
9 medical benefits which shall be paid for an injury under any provision
10 of this law or any combination of provisions shall not exceed forty-five
11 thousand dollars (\$45,000) in any case. With respect to an injury
12 occurring on and after July 1, 1976, and before July 1, 1977, the
13 maximum compensation, exclusive of medical benefits, which shall be
14 paid for any injury under any provision of this law or any combination
15 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
16 any case. With respect to any injury occurring on and after July 1,
17 1977, and before July 1, 1979, the maximum compensation, exclusive
18 of medical benefits, which may be paid for an injury under any
19 provision of this law or any combination of provisions may not exceed
20 sixty thousand dollars (\$60,000) in any case. With respect to any injury
21 occurring on and after July 1, 1979, and before July 1, 1980, the
22 maximum compensation, exclusive of medical benefits, which may be
23 paid for an injury under any provisions of this law or any combination
24 of provisions may not exceed sixty-five thousand dollars (\$65,000) in
25 any case. With respect to any injury occurring on and after July 1,
26 1980, and before July 1, 1983, the maximum compensation, exclusive
27 of medical benefits, which may be paid for an injury under any
28 provisions of this law or any combination of provisions may not exceed
29 seventy thousand dollars (\$70,000) in any case. With respect to any
30 injury occurring on and after July 1, 1983, and before July 1, 1984, the
31 maximum compensation, exclusive of medical benefits, which may be
32 paid for an injury under any provisions of this law or any combination
33 of provisions may not exceed seventy-eight thousand dollars (\$78,000)
34 in any case. With respect to any injury occurring on and after July 1,
35 1984, and before July 1, 1985, the maximum compensation, exclusive
36 of medical benefits, which may be paid for an injury under any
37 provisions of this law or any combination of provisions may not exceed
38 eighty-three thousand dollars (\$83,000) in any case. With respect to

1 any injury occurring on and after July 1, 1985, and before July 1, 1986,
2 the maximum compensation, exclusive of medical benefits, which may
3 be paid for an injury under any provisions of this law or any
4 combination of provisions may not exceed eighty-nine thousand dollars
5 (\$89,000) in any case. With respect to any injury occurring on and after
6 July 1, 1986, and before July 1, 1988, the maximum compensation,
7 exclusive of medical benefits, which may be paid for an injury under
8 any provisions of this law or any combination of provisions may not
9 exceed ninety-five thousand dollars (\$95,000) in any case. With respect
10 to any injury occurring on and after July 1, 1988, and before July 1,
11 1989, the maximum compensation, exclusive of medical benefits,
12 which may be paid for an injury under any provisions of this law or any
13 combination of provisions may not exceed one hundred twenty-eight
14 thousand dollars (\$128,000) in any case.

15 With respect to any injury occurring on and after July 1, 1989, and
16 before July 1, 1990, the maximum compensation, exclusive of medical
17 benefits, which may be paid for an injury under any provisions of this
18 law or any combination of provisions may not exceed one hundred
19 thirty-seven thousand dollars (\$137,000) in any case.

20 With respect to any injury occurring on and after July 1, 1990, and
21 before July 1, 1991, the maximum compensation, exclusive of medical
22 benefits, which may be paid for an injury under any provisions of this
23 law or any combination of provisions may not exceed one hundred
24 forty-seven thousand dollars (\$147,000) in any case.

25 With respect to any injury occurring on and after July 1, 1991, and
26 before July 1, 1992, the maximum compensation, exclusive of medical
27 benefits, that may be paid for an injury under any provisions of this law
28 or any combination of provisions may not exceed one hundred
29 sixty-four thousand dollars (\$164,000) in any case.

30 With respect to any injury occurring on and after July 1, 1992, and
31 before July 1, 1993, the maximum compensation, exclusive of medical
32 benefits, that may be paid for an injury under any provisions of this law
33 or any combination of provisions may not exceed one hundred eighty
34 thousand dollars (\$180,000) in any case.

35 With respect to any injury occurring on and after July 1, 1993, and
36 before July 1, 1994, the maximum compensation, exclusive of medical
37 benefits, that may be paid for an injury under any provisions of this law
38 or any combination of provisions may not exceed one hundred

1 ninety-seven thousand dollars (\$197,000) in any case.

2 With respect to any injury occurring on and after July 1, 1994, and
3 before July 1, 1997, the maximum compensation, exclusive of medical
4 benefits, which may be paid for an injury under any provisions of this
5 law or any combination of provisions may not exceed two hundred
6 fourteen thousand dollars (\$214,000) in any case.

7 (e) The maximum compensation, exclusive of medical benefits, that
8 may be paid for an injury under any provision of this law or any
9 combination of provisions may not exceed the following amounts in
10 any case:

11 (1) With respect to an injury occurring on and after July 1, 1997,
12 and before July 1, 1998, two hundred twenty-four thousand
13 dollars (\$224,000).

14 (2) With respect to an injury occurring on and after July 1, 1998,
15 and before July 1, 1999, two hundred thirty-four thousand dollars
16 (\$234,000).

17 (3) With respect to an injury occurring on and after July 1, 1999,
18 and before July 1, 2000, two hundred forty-four thousand dollars
19 (\$244,000).

20 (4) With respect to an injury occurring on and after July 1, 2000,
21 and before July 1, 2001, two hundred fifty-four thousand dollars
22 (\$254,000).

23 (5) With respect to an injury occurring on and after July 1, 2001,
24 and before July 1, 2002, two hundred seventy-four thousand
25 dollars (\$274,000).

26 (6) With respect to an injury occurring on and after July 1, 2002,
27 two hundred ninety-four thousand dollars (\$294,000)."

28 Page 16, line 11, after "2001," insert "**and before July 1, 2002,**".

29 Page 16, between lines 18 and 19, begin a new line block indented
30 and insert:

31 "**(9) With respect to disablements occurring on and after July**
32 **1, 2002, and before July 1, 2003, for each degree of permanent**
33 **impairment from one (1) to ten (10), two thousand fifty**
34 **dollars (\$2,050) per degree; for each degree of permanent**
35 **impairment from eleven (11) to thirty-five (35), two thousand**
36 **seven hundred dollars (\$2,700) per degree; for each degree of**
37 **permanent impairment from thirty-six (36) to fifty (50), three**
38 **thousand three hundred dollars (\$3,300) per degree; for each**

1 **degree of permanent impairment above fifty (50), three**
 2 **thousand nine hundred dollars (\$3,900) per degree.**
 3 **(10) With respect to disablements occurring on and after July**
 4 **1, 2003, for each degree of permanent impairment from one**
 5 **(1) to ten (10), two thousand four hundred dollars (\$2,400) per**
 6 **degree; for each degree of permanent impairment from eleven**
 7 **(11) to thirty-five (35), three thousand seventy-five dollars**
 8 **(\$3,075) per degree; for each degree of permanent**
 9 **impairment from thirty-six (36) to fifty (50), three thousand**
 10 **seven hundred seventy-five dollars (\$3,775) per degree; for**
 11 **each degree of permanent impairment above fifty (50), four**
 12 **thousand five hundred twenty-five dollars (\$4,525) per**
 13 **degree. "**

14 Page 17, line 2, strike "injuries" and insert "**disablements**".

15 Page 17, line 4, strike "injuries" and insert "**disablements**".

16 Page 17, line 4, after "2002," insert "**and before July 1, 2003,**".

17 Page 17, between lines 5 and 6, begin a new line block indented and
 18 insert:

19 **"(11) With respect to disablements occurring on or after July**
 20 **1, 2003, nine hundred forty-two dollars (\$942)."**

21 Page 23, between lines 24 and 25, begin a new paragraph and insert:

22 "SECTION 10. IC 22-3-7-19, AS AMENDED BY P.L.31-2000,
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2002]: Sec. 19. (a) In computing compensation for temporary
 25 total disability, temporary partial disability, and total permanent
 26 disability under this law with respect to occupational diseases
 27 occurring:

28 (1) on and after July 1, 1974, and before July 1, 1976, the average
 29 weekly wages shall be considered to be:

30 (A) not more than one hundred thirty-five dollars (\$135); and

31 (B) not less than seventy-five dollars (\$75);

32 (2) on and after July 1, 1976, and before July 1, 1977, the average
 33 weekly wages shall be considered to be:

34 (A) not more than one hundred fifty-six dollars (\$156); and

35 (B) not less than seventy-five dollars (\$75);

36 (3) on and after July 1, 1977, and before July 1, 1979, the average
 37 weekly wages are considered to be:

38 (A) not more than one hundred eighty dollars (\$180); and

- 1 (B) not less than seventy-five dollars (\$75);
 2 (4) on and after July 1, 1979, and before July 1, 1980, the average
 3 weekly wages are considered to be:
 4 (A) not more than one hundred ninety-five dollars (\$195); and
 5 (B) not less than seventy-five dollars (\$75);
 6 (5) on and after July 1, 1980, and before July 1, 1983, the average
 7 weekly wages are considered to be:
 8 (A) not more than two hundred ten dollars (\$210); and
 9 (B) not less than seventy-five dollars (\$75);
 10 (6) on and after July 1, 1983, and before July 1, 1984, the average
 11 weekly wages are considered to be:
 12 (A) not more than two hundred thirty-four dollars (\$234); and
 13 (B) not less than seventy-five dollars (\$75); and
 14 (7) on and after July 1, 1984, and before July 1, 1985, the average
 15 weekly wages are considered to be:
 16 (A) not more than two hundred forty-nine dollars (\$249); and
 17 (B) not less than seventy-five dollars (\$75).
 18 (b) In computing compensation for temporary total disability,
 19 temporary partial disability, and total permanent disability, with respect
 20 to occupational diseases occurring on and after July 1, 1985, and before
 21 July 1, 1986, the average weekly wages are considered to be:
 22 (1) not more than two hundred sixty-seven dollars (\$267); and
 23 (2) not less than seventy-five dollars (\$75).
 24 (c) In computing compensation for temporary total disability,
 25 temporary partial disability, and total permanent disability, with respect
 26 to occupational diseases occurring on and after July 1, 1986, and before
 27 July 1, 1988, the average weekly wages are considered to be:
 28 (1) not more than two hundred eighty-five dollars (\$285); and
 29 (2) not less than seventy-five dollars (\$75).
 30 (d) In computing compensation for temporary total disability,
 31 temporary partial disability, and total permanent disability, with respect
 32 to occupational diseases occurring on and after July 1, 1988, and before
 33 July 1, 1989, the average weekly wages are considered to be:
 34 (1) not more than three hundred eighty-four dollars (\$384); and
 35 (2) not less than seventy-five dollars (\$75).
 36 (e) In computing compensation for temporary total disability,
 37 temporary partial disability, and total permanent disability, with respect
 38 to occupational diseases occurring on and after July 1, 1989, and before

- 1 July 1, 1990, the average weekly wages are considered to be:
- 2 (1) not more than four hundred eleven dollars (\$411); and
- 3 (2) not less than seventy-five dollars (\$75).
- 4 (f) In computing compensation for temporary total disability,
- 5 temporary partial disability, and total permanent disability, with respect
- 6 to occupational diseases occurring on and after July 1, 1990, and before
- 7 July 1, 1991, the average weekly wages are considered to be:
- 8 (1) not more than four hundred forty-one dollars (\$441); and
- 9 (2) not less than seventy-five dollars (\$75).
- 10 (g) In computing compensation for temporary total disability,
- 11 temporary partial disability, and total permanent disability, with respect
- 12 to occupational diseases occurring on and after July 1, 1991, and before
- 13 July 1, 1992, the average weekly wages are considered to be:
- 14 (1) not more than four hundred ninety-two dollars (\$492); and
- 15 (2) not less than seventy-five dollars (\$75).
- 16 (h) In computing compensation for temporary total disability,
- 17 temporary partial disability, and total permanent disability, with respect
- 18 to occupational diseases occurring on and after July 1, 1992, and before
- 19 July 1, 1993, the average weekly wages are considered to be:
- 20 (1) not more than five hundred forty dollars (\$540); and
- 21 (2) not less than seventy-five dollars (\$75).
- 22 (i) In computing compensation for temporary total disability,
- 23 temporary partial disability, and total permanent disability, with respect
- 24 to occupational diseases occurring on and after July 1, 1993, and before
- 25 July 1, 1994, the average weekly wages are considered to be:
- 26 (1) not more than five hundred ninety-one dollars (\$591); and
- 27 (2) not less than seventy-five dollars (\$75).
- 28 (j) In computing compensation for temporary total disability,
- 29 temporary partial disability and total permanent disability, with respect
- 30 to occupational diseases occurring on and after July 1, 1994, and before
- 31 July 1, 1997, the average weekly wages are considered to be:
- 32 (1) not more than six hundred forty-two dollars (\$642); and
- 33 (2) not less than seventy-five dollars (\$75).
- 34 (k) In computing compensation for temporary total disability,
- 35 temporary partial disability, and total permanent disability, the average
- 36 weekly wages are considered to be:
- 37 (1) with respect to occupational diseases occurring on and after
- 38 July 1, 1997, and before July 1, 1998:

- 1 (A) not more than six hundred seventy-two dollars (\$672); and
 2 (B) not less than seventy-five dollars (\$75);
 3 (2) with respect to occupational diseases occurring on and after
 4 July 1, 1998, and before July 1, 1999:
 5 (A) not more than seven hundred two dollars (\$702); and
 6 (B) not less than seventy-five dollars (\$75);
 7 (3) with respect to occupational diseases occurring on and after
 8 July 1, 1999, and before July 1, 2000:
 9 (A) not more than seven hundred thirty-two dollars (\$732);
 10 and
 11 (B) not less than seventy-five dollars (\$75);
 12 (4) with respect to occupational diseases occurring on and after
 13 July 1, 2000, and before July 1, 2001:
 14 (A) not more than seven hundred sixty-two dollars (\$762); and
 15 (B) not less than seventy-five dollars (\$75);
 16 (5) with respect to ~~disabilities~~ **occupational diseases** occurring
 17 on and after July 1, 2001, and before July 1, 2002:
 18 (A) not more than eight hundred twenty-two dollars (\$822);
 19 and
 20 (B) not less than seventy-five dollars (\$75); ~~and~~
 21 (6) with respect to ~~disabilities~~ **occupational diseases** occurring
 22 on and after July 1, 2002, **and before July 1, 2003:**
 23 (A) not more than eight hundred eighty-two dollars (\$882);
 24 and
 25 (B) not less than seventy-five dollars (\$75); **and**
 26 **(7) with respect to occupational diseases occurring on and**
 27 **after July 1, 2003:**
 28 **(A) not more than nine hundred forty-two dollars (\$942);**
 29 **and**
 30 **(B) not less than seventy-five dollars (\$75).**
 31 (l) The maximum compensation that shall be paid for occupational
 32 disease and its results under any one (1) or more provisions of this
 33 chapter with respect to disability or death occurring:
 34 (1) on and after July 1, 1974, and before July 1, 1976, shall not
 35 exceed forty-five thousand dollars (\$45,000) in any case;
 36 (2) on and after July 1, 1976, and before July 1, 1977, shall not
 37 exceed fifty-two thousand dollars (\$52,000) in any case;
 38 (3) on and after July 1, 1977, and before July 1, 1979, may not

1 exceed sixty thousand dollars (\$60,000) in any case;

2 (4) on and after July 1, 1979, and before July 1, 1980, may not
3 exceed sixty-five thousand dollars (\$65,000) in any case;

4 (5) on and after July 1, 1980, and before July 1, 1983, may not
5 exceed seventy thousand dollars (\$70,000) in any case;

6 (6) on and after July 1, 1983, and before July 1, 1984, may not
7 exceed seventy-eight thousand dollars (\$78,000) in any case; and

8 (7) on and after July 1, 1984, and before July 1, 1985, may not
9 exceed eighty-three thousand dollars (\$83,000) in any case.

10 (m) The maximum compensation with respect to disability or death
11 occurring on and after July 1, 1985, and before July 1, 1986, which
12 shall be paid for occupational disease and the results thereof under the
13 provisions of this chapter or under any combination of its provisions
14 may not exceed eighty-nine thousand dollars (\$89,000) in any case.
15 The maximum compensation with respect to disability or death
16 occurring on and after July 1, 1986, and before July 1, 1988, which
17 shall be paid for occupational disease and the results thereof under the
18 provisions of this chapter or under any combination of its provisions
19 may not exceed ninety-five thousand dollars (\$95,000) in any case. The
20 maximum compensation with respect to disability or death occurring
21 on and after July 1, 1988, and before July 1, 1989, that shall be paid for
22 occupational disease and the results thereof under this chapter or under
23 any combination of its provisions may not exceed one hundred
24 twenty-eight thousand dollars (\$128,000) in any case.

25 (n) The maximum compensation with respect to disability or death
26 occurring on and after July 1, 1989, and before July 1, 1990, that shall
27 be paid for occupational disease and the results thereof under this
28 chapter or under any combination of its provisions may not exceed one
29 hundred thirty-seven thousand dollars (\$137,000) in any case.

30 (o) The maximum compensation with respect to disability or death
31 occurring on and after July 1, 1990, and before July 1, 1991, that shall
32 be paid for occupational disease and the results thereof under this
33 chapter or under any combination of its provisions may not exceed one
34 hundred forty-seven thousand dollars (\$147,000) in any case.

35 (p) The maximum compensation with respect to disability or death
36 occurring on and after July 1, 1991, and before July 1, 1992, that shall
37 be paid for occupational disease and the results thereof under this
38 chapter or under any combination of the provisions of this chapter may

1 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
2 case.

3 (q) The maximum compensation with respect to disability or death
4 occurring on and after July 1, 1992, and before July 1, 1993, that shall
5 be paid for occupational disease and the results thereof under this
6 chapter or under any combination of the provisions of this chapter may
7 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

8 (r) The maximum compensation with respect to disability or death
9 occurring on and after July 1, 1993, and before July 1, 1994, that shall
10 be paid for occupational disease and the results thereof under this
11 chapter or under any combination of the provisions of this chapter may
12 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
13 any case.

14 (s) The maximum compensation with respect to disability or death
15 occurring on and after July 1, 1994, and before July 1, 1997, that shall
16 be paid for occupational disease and the results thereof under this
17 chapter or under any combination of the provisions of this chapter may
18 not exceed two hundred fourteen thousand dollars (\$214,000) in any
19 case.

20 (t) The maximum compensation that shall be paid for occupational
21 disease and the results of an occupational disease under this chapter or
22 under any combination of the provisions of this chapter may not exceed
23 the following amounts in any case:

24 (1) With respect to disability or death occurring on and after July
25 1, 1997, and before July 1, 1998, two hundred twenty-four
26 thousand dollars (\$224,000).

27 (2) With respect to disability or death occurring on and after July
28 1, 1998, and before July 1, 1999, two hundred thirty-four
29 thousand dollars (\$234,000).

30 (3) With respect to disability or death occurring on and after July
31 1, 1999, and before July 1, 2000, two hundred forty-four thousand
32 dollars (\$244,000).

33 (4) With respect to disability or death occurring on and after July
34 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
35 dollars (\$254,000).

36 (5) With respect to disability or death occurring on and after July
37 1, 2001, and before July 1, 2002, two hundred seventy-four
38 thousand dollars (\$274,000).

1 (6) With respect to disability or death occurring on and after July
2 1, 2002, two hundred ninety-four thousand dollars (\$294,000).

3 (u) For all disabilities occurring before July 1, 1985, "average
4 weekly wages" shall mean the earnings of the injured employee in the
5 employment in which the employee was working at the time of the last
6 exposure during the period of fifty-two (52) weeks immediately
7 preceding the last day of the last exposure divided by fifty-two (52). If
8 the employee lost seven (7) or more calendar days during the period,
9 although not in the same week, then the earnings for the remainder of
10 the fifty-two (52) weeks shall be divided by the number of weeks and
11 parts thereof remaining after the time lost has been deducted. Where
12 the employment prior to the last day of the last exposure extended over
13 a period of less than fifty-two (52) weeks, the method of dividing the
14 earnings during that period by the number of weeks and parts thereof
15 during which the employee earned wages shall be followed if results
16 just and fair to both parties will be obtained. Where by reason of the
17 shortness of the time during which the employee has been in the
18 employment of the employer or of the casual nature or terms of the
19 employment it is impracticable to compute the average weekly wages
20 as above defined, regard shall be had to the average weekly amount
21 which, during the fifty-two (52) weeks previous to the last day of the
22 last exposure, was being earned by a person in the same grade
23 employed at the same work by the same employer, or if there is no
24 person so employed, by a person in the same grade employed in that
25 same class of employment in the same district. Whenever allowances
26 of any character are made to an employee in lieu of wages or a
27 specified part of the wage contract, they shall be deemed a part of the
28 employee's earnings.

29 (v) For all disabilities occurring on and after July 1, 1985, "average
30 weekly wages" means the earnings of the injured employee during the
31 period of fifty-two (52) weeks immediately preceding the disability
32 divided by fifty-two (52). If the employee lost seven (7) or more
33 calendar days during the period, although not in the same week, then
34 the earnings for the remainder of the fifty-two (52) weeks shall be
35 divided by the number of weeks and parts of weeks remaining after the
36 time lost has been deducted. If employment before the date of disability
37 extended over a period of less than fifty-two (52) weeks, the method of
38 dividing the earnings during that period by the number of weeks and

1 parts of weeks during which the employee earned wages shall be
 2 followed if results just and fair to both parties will be obtained. If by
 3 reason of the shortness of the time during which the employee has been
 4 in the employment of the employer or of the casual nature or terms of
 5 the employment it is impracticable to compute the average weekly
 6 wages for the employee, the employee's average weekly wages shall be
 7 considered to be the average weekly amount that, during the fifty-two
 8 (52) weeks before the date of disability, was being earned by a person
 9 in the same grade employed at the same work by the same employer or,
 10 if there is no person so employed, by a person in the same grade
 11 employed in that same class of employment in the same district.
 12 Whenever allowances of any character are made to an employee
 13 instead of wages or a specified part of the wage contract, they shall be
 14 considered a part of the employee's earnings.

15 (w) The provisions of this article may not be construed to result in
 16 an award of benefits in which the number of weeks paid or to be paid
 17 for temporary total disability, temporary partial disability, or permanent
 18 total disability benefits combined exceeds five hundred (500) weeks.
 19 This section shall not be construed to prevent a person from applying
 20 for an award under IC 22-3-3-13. However, in case of permanent total
 21 disability resulting from a disablement occurring on or after January 1,
 22 1998, the minimum total benefit shall not be less than seventy-five
 23 thousand dollars (\$75,000)."

24 Page 27, between lines 32 and 33, begin a new paragraph and insert:

25 "SECTION 13. IC 22-4-2-12 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) **Except as**
 27 **provided in subsections (b) and (c)**, "base period" means the first four
 28 (4) of the last five (5) completed calendar quarters immediately
 29 preceding the first day of an individual's benefit period. ~~Provided;~~
 30 However, ~~That~~ for a claim computed in accordance with IC ~~1971;~~
 31 22-4-22, the base period shall be the base period as outlined in the
 32 paying state's law.

33 (b) **Effective July 1, 2002, "base period" also includes, in the case**
 34 **of an individual who does not have sufficient wages in the base**
 35 **period as set forth in subsection (a), the last four (4) completed**
 36 **calendar quarters immediately preceding the first day of the**
 37 **benefit year of the individual if the period qualifies the individual**
 38 **for benefits under this chapter. Wages that fall within the base**

1 **period of claims established under this subsection are not available**
 2 **for reuse in qualifying for a subsequent benefit year.**

3 (c) **In the case of a combined wage claim under an arrangement**
 4 **approved by the United States Secretary of Labor, the base period**
 5 **is the period applicable under the unemployment compensation**
 6 **law of the paying state.**

7 (d) **The department shall adopt rules under IC 4-22-2 to obtain**
 8 **wage information if wage information for the most recent quarter**
 9 **of the base period as set forth under subsection (b) is not available**
 10 **to the department from regular quarterly reports of wage**
 11 **information that is systemically accessible.**

12 SECTION 14. IC 22-4-2-12.5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12.5. (a)
 14 Notwithstanding section 12 of this chapter, for an individual who
 15 during the "base period" as defined in that section has received
 16 worker's compensation benefits under IC 22-3-3 for a period of
 17 fifty-two (52) weeks or less, and as a result has not earned sufficient
 18 wage credits to meet the requirements of IC 22-4-14-5, "base period"
 19 means the first four (4) of the last five (5) completed calendar quarters
 20 immediately preceding the last day that the individual was able to
 21 work, as a result of the individual's injury.

22 (b) **The provisions of section 12(b), 12(c), and 12(d) of this**
 23 **chapter apply beginning July 1, 2002.**

24 SECTION 15. IC 22-4-2-22 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 22. "Valid claim"
 26 means a claim filed by an individual who has established qualifying
 27 wage credits and who is totally, partially, or part-totally unemployed;
 28 Provided, no individual in a benefit period may file a valid claim for a
 29 ~~waiting period or~~ benefit period rights with respect to any period
 30 subsequent to the expiration of such benefit period.

31 SECTION 16. IC 22-4-2-29 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 29. "Insured
 33 unemployment" means unemployment during a given week for which
 34 waiting period credit or benefits, **if applicable**, are claimed under the
 35 state employment security program, the unemployment compensation
 36 for federal employees program, the unemployment compensation for
 37 veterans program, or the railroad unemployment insurance program.

38 SECTION 17. IC 22-4-4-3, AS AMENDED BY P.L.30-2000,

1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2002]: Sec. 3. (a) For calendar quarters beginning on and after
3 April 1, 1979, and before April 1, 1984, "wage credits" means
4 remuneration paid for employment by an employer to an individual.
5 Wage credits may not exceed three thousand six hundred sixty-six
6 dollars (\$3,666) and may not include payments specified in section
7 2(b) of this chapter.

8 (b) For calendar quarters beginning on and after April 1, 1984, and
9 before April 1, 1985, "wage credits" means remuneration paid for
10 employment by an employer to an individual. Wage credits may not
11 exceed three thousand nine hundred twenty-six dollars (\$3,926) and
12 may not include payments specified in section 2(b) of this chapter.

13 (c) For calendar quarters beginning on and after April 1, 1985, and
14 before January 1, 1991, "wage credits" means remuneration paid for
15 employment by an employer to an individual. Wage credits may not
16 exceed four thousand one hundred eighty-six dollars (\$4,186) and may
17 not include payments specified in section 2(b) of this chapter.

18 (d) For calendar quarters beginning on and after January 1, 1991,
19 and before July 1, 1995, "wage credits" means remuneration paid for
20 employment by an employer to an individual. Wage credits may not
21 exceed four thousand eight hundred ten dollars (\$4,810) and may not
22 include payments specified in section 2(b) of this chapter.

23 (e) For calendar quarters beginning on and after July 1, 1995, and
24 before July 1, 1997, "wage credits" means remuneration paid for
25 employment by an employer to an individual and remuneration
26 received as tips or gratuities in accordance with Sections 3102 and
27 3301 et seq. of the Internal Revenue Code. Wage credits may not
28 exceed five thousand dollars (\$5,000) and may not include payments
29 specified in section 2(b) of this chapter.

30 (f) For calendar quarters beginning on and after July 1, 1997, and
31 before July 1, 1998, "wage credits" means remuneration paid for
32 employment by an employer to an individual and remuneration
33 received as tips or gratuities in accordance with Sections 3102 and
34 3301 et seq. of the Internal Revenue Code. Wage credits may not
35 exceed five thousand four hundred dollars (\$5,400) and may not
36 include payments specified in section 2(b) of this chapter.

37 (g) For calendar quarters beginning on and after July 1, 1998, and
38 before July 1, 1999, "wage credits" means remuneration paid for

1 employment by an employer to an individual and remuneration
2 received as tips or gratuities in accordance with Sections 3102 and
3 3301 et seq. of the Internal Revenue Code. Wage credits may not
4 exceed five thousand six hundred dollars (\$5,600) and may not include
5 payments that are excluded from the definition of wages under section
6 2(b) of this chapter.

7 (h) For calendar quarters beginning on and after July 1, 1999, and
8 before July 1, 2000, "wage credits" means remuneration paid for
9 employment by an employer to an individual and remuneration
10 received as tips or gratuities in accordance with Sections 3102 and
11 3301 et seq. of the Internal Revenue Code. Wage credits may not
12 exceed five thousand eight hundred dollars (\$5,800) and may not
13 include payments that are excluded from the definition of wages under
14 section 2(b) of this chapter.

15 (i) For calendar quarters beginning on and after July 1, 2000, and
16 before July 1, 2001, "wage credits" means remuneration paid for
17 employment by an employer to an individual and remuneration
18 received as tips or gratuities in accordance with Sections 3102 and
19 3301 et seq. of the Internal Revenue Code. Wage credits may not
20 exceed six thousand seven hundred dollars (\$6,700) and may not
21 include payments that are excluded from the definition of wages under
22 section 2(b) of this chapter.

23 (j) For calendar quarters beginning on and after July 1, 2001, and
24 before July 1, 2002, "wage credits" means remuneration paid for
25 employment by an employer to an individual and remuneration
26 received as tips or gratuities in accordance with Sections 3102 and
27 3301 et seq. of the Internal Revenue Code. Wage credits may not
28 exceed seven thousand three hundred dollars (\$7,300) and may not
29 include payments that are excluded from the definition of wages under
30 section 2(b) of this chapter.

31 (k) For calendar quarters beginning on and after July 1, 2002, **and**
32 **before July 1, 2003**, "wage credits" means remuneration paid for
33 employment by an employer to an individual and remuneration
34 received as tips or gratuities in accordance with Sections 3102 and
35 3301 et seq. of the Internal Revenue Code. Wage credits may not
36 exceed seven thousand nine hundred dollars (\$7,900) and may not
37 include payments that are excluded from the definition of wages under
38 section 2(b) of this chapter.

1 **(l) For calendar quarters beginning on and after July 1, 2003,**
 2 **"wage credits" means remuneration paid for employment by an**
 3 **employer to an individual and remuneration received as tips or**
 4 **gratuities in accordance with Sections 3102 and 3301 et seq. of the**
 5 **Internal Revenue Code. Wage credits may not exceed eight**
 6 **thousand five hundred dollars (\$8,500) and may not include**
 7 **payments that are excluded from the definition of wages under**
 8 **section 2(b) of this chapter.**

9 SECTION 18. IC 22-4-12-2, AS AMENDED BY P.L.235-1999,
 10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2002]: Sec. 2. (a) With respect to initial claims filed for any
 12 week beginning on and after July 6, 1980, and before July 7, 1985,
 13 each eligible individual who is totally unemployed (as defined in
 14 IC 22-4-3-1) in any week in the individual's benefit period shall be paid
 15 for the week, if properly claimed, benefits at the rate of four and
 16 three-tenths percent (4.3%) of the individual's wage credits in the
 17 calendar quarter during the individual's base period in which the wage
 18 credits were highest. However, the weekly benefit amount may not
 19 exceed:

- 20 (1) eighty-four dollars (\$84) if the eligible and qualified
 21 individual has no dependents;
 22 (2) ninety-nine dollars (\$99) if the eligible and qualified
 23 individual has one (1) dependent;
 24 (3) one hundred thirteen dollars (\$113) if the eligible and
 25 qualified individual has two (2) dependents;
 26 (4) one hundred twenty-eight dollars (\$128) if the eligible and
 27 qualified individual has three (3) dependents; or
 28 (5) one hundred forty-one dollars (\$141) if the eligible and
 29 qualified individual has four (4) or more dependents.

30 With respect to initial claims filed for any week beginning on and
 31 after July 7, 1985, and before July 6, 1986, each eligible individual who
 32 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 33 individual's benefit period shall be paid for the week, if properly
 34 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 35 the individual's wage credits in the calendar quarter during the
 36 individual's base period in which the wage credits were highest.
 37 However, the weekly benefit amount may not exceed:

- 38 (1) ninety dollars (\$90) if the eligible and qualified individual has

- 1 no dependents;
 2 (2) one hundred six dollars (\$106) if the eligible and qualified
 3 individual has one (1) dependent;
 4 (3) one hundred twenty-one dollars (\$121) if the eligible and
 5 qualified individual has two (2) dependents;
 6 (4) one hundred thirty-seven dollars (\$137) if the eligible and
 7 qualified individual has three (3) dependents; or
 8 (5) one hundred fifty-one dollars (\$151) if the eligible and
 9 qualified individual has four (4) or more dependents.

10 With respect to initial claims filed for any week beginning on and
 11 after July 6, 1986, and before July 7, 1991, each eligible individual who
 12 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 13 individual's benefit period shall be paid for the week, if properly
 14 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 15 the individual's wage credits in the calendar quarter during the
 16 individual's base period in which the wage credits were highest.
 17 However, the weekly benefit amount may not exceed:

- 18 (1) ninety-six dollars (\$96) if the eligible and qualified individual
 19 has no dependents;
 20 (2) one hundred thirteen dollars (\$113) if the eligible and
 21 qualified individual has one (1) dependent;
 22 (3) one hundred twenty-nine dollars (\$129) if the eligible and
 23 qualified individual has two (2) dependents;
 24 (4) one hundred forty-seven dollars (\$147) if the eligible and
 25 qualified individual has three (3) dependents; or
 26 (5) one hundred sixty-one dollars (\$161) if the eligible and
 27 qualified individual has four (4) or more dependents.

28 With respect to initial claims filed for any week beginning on and
 29 after July 7, 1991, benefits shall be paid in accordance with subsections
 30 (d) through (k).

31 For the purpose of this subsection and subsections (e) through (g),
 32 the term "dependent" means lawful husband or wife, natural child,
 33 adopted child, stepchild, if such stepchild is not receiving aid to
 34 dependent children under the welfare program, or child placed in the
 35 claimant's home for adoption by an authorized placement agency or a
 36 court of law, provided such child is under eighteen (18) years of age
 37 and that such dependent claimed has received more than one-half (1/2)
 38 the cost of support from the claimant during ninety (90) days (or for

1 duration of relationship, if less) immediately preceding the claimant's
2 benefit year beginning date, but only if such dependent who is the
3 lawful husband or wife is unemployed and currently ineligible for
4 Indiana benefits because of insufficient base period wages. The number
5 and status of dependents shall be determined as of the beginning of the
6 claimant's benefit period and shall not be changed during that benefit
7 period.

8 With respect to initial claims filed for any week beginning on and
9 after July 6, 1980, the term "dependent" shall include a person with a
10 disability over eighteen (18) years of age who is a child of the claimant
11 and who receives more than one-half (1/2) the cost of his support from
12 the claimant during the ninety (90) day period immediately preceding
13 the claimant's benefit year beginning date. "Child" includes a natural
14 child, an adopted child, a stepchild of claimant, if the stepchild is not
15 receiving aid to dependent children under the welfare program, or a
16 child placed in the claimant's home for adoption by an authorized
17 placement agency or a court of law. The term "disabled" means an
18 individual who by reason of physical or mental defect or infirmity,
19 whether congenital or acquired by accident, injury, or disease, is totally
20 or partially prevented from achieving the fullest attainable physical,
21 social, economic, mental, and vocational participation in the normal
22 process of living.

23 For the purpose of this subsection, the term "dependent" includes a
24 child for whom claimant is the court appointed legal guardian.

25 On and after July 6, 1980, and before July 7, 1991, if the weekly
26 benefit amount is less than forty dollars (\$40), the board, through the
27 commissioner, shall pay benefits at the rate of forty dollars (\$40) per
28 week. On and after July 7, 1991, if the weekly benefit amount is less
29 than fifty dollars (\$50), the board, through the commissioner, shall pay
30 benefits at the rate of fifty dollars (\$50) per week. If such weekly
31 benefit amount is not a multiple of one dollar (\$1), it shall be computed
32 to the next lower multiple of one dollar (\$1).

33 (b) Each eligible individual who is partially or part-totally
34 unemployed in any week shall be paid with respect to such week a
35 benefit in an amount equal to his weekly benefit amount, less his
36 deductible income, if any, for such week. If such partial benefit is not
37 a multiple of one dollar (\$1), it shall be computed to the next lower
38 multiple of one dollar (\$1). Except for an individual who is totally

1 unemployed, an individual who is not partially or part-totally
2 unemployed is not eligible for any benefit. The board may prescribe
3 rules governing the payment of such partial benefits, and may provide,
4 with respect to individuals whose earnings cannot reasonably be
5 computed on a weekly basis, that such benefits may be computed and
6 paid on other than a weekly basis; however, such rules shall secure
7 results reasonably equivalent to those provided in the analogous
8 provisions of this section.

9 (c) The weekly extended benefit amount payable to an individual for
10 a week of total unemployment in the individual's eligibility period shall
11 be an amount equal to the weekly benefit amount payable to the
12 individual during the individual's applicable benefit period, prior to any
13 reduction of such weekly benefit amount.

14 (d) With respect to initial claims filed for any week beginning on
15 and after July 7, 1991, and before July 1, 1995, each eligible individual
16 who is totally unemployed (as defined in IC 22-4-3-1) in any week in
17 the individual's benefit period shall be paid for the week, if properly
18 claimed, benefits at the rate of:

19 (1) five percent (5%) of the first one thousand dollars (\$1,000) of
20 the individual's wage credits in the calendar quarter during the
21 individual's base period in which the wage credits were highest;
22 and

23 (2) four percent (4%) of the individual's remaining wage credits
24 in the calendar quarter during the individual's base period in
25 which the wage credits were highest.

26 However, the weekly benefit amount may not exceed the amount
27 specified in subsections (e) through (i).

28 (e) With respect to initial claims filed for any week beginning on
29 and after July 7, 1991, and before July 5, 1992, the weekly benefit
30 amount may not exceed:

31 (1) one hundred sixteen dollars (\$116) if the eligible and qualified
32 individual has no dependents;

33 (2) one hundred thirty-four dollars (\$134) if the eligible and
34 qualified individual has one (1) dependent;

35 (3) one hundred fifty-three dollars (\$153) if the eligible and
36 qualified individual has two (2) dependents; or

37 (4) one hundred seventy-one dollars (\$171) if the eligible and
38 qualified individual has three (3) or more dependents.

1 (f) With respect to initial claims filed for any week beginning on
2 and after July 5, 1992, and before July 4, 1993, the weekly benefit
3 amount may not exceed:

4 (1) one hundred forty dollars (\$140) if the eligible and qualified
5 individual has no dependents;

6 (2) one hundred sixty dollars (\$160) if the eligible and qualified
7 individual has one (1) dependent; or

8 (3) one hundred eighty-one dollars (\$181) if the eligible and
9 qualified individual has two (2) or more dependents.

10 (g) With respect to initial claims filed for any week beginning on
11 and after July 4, 1993, and before July 3, 1994, the weekly benefit
12 amount may not exceed:

13 (1) one hundred seventy dollars (\$170) if the eligible and
14 qualified individual has no dependents; or

15 (2) one hundred ninety-two dollars (\$192) if the eligible and
16 qualified individual has one (1) or more dependents.

17 (h) With respect to initial claims filed for any week beginning on or
18 after July 3, 1994, and before July 1, 1995, the weekly benefit amount
19 may not exceed two hundred two dollars (\$202).

20 (i) With respect to initial claims filed for any week on or after July
21 1, 1995, the weekly benefit amount will equal the amount that results
22 from applying the percentages provided in subsections (j) through ~~(k)~~
23 **(l)** to the applicable maximum wage credits under IC 22-4-4-3.

24 (j) With respect to initial claims filed for any week beginning on and
25 after July 1, 1995, and before July 1, 1997, each eligible individual who
26 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
27 individual's benefit period shall be paid for the week, if properly
28 claimed, benefits at the rate of:

29 (1) five percent (5%) of the first one thousand seven hundred fifty
30 dollars (\$1,750) of the individual's wage credits in the calendar
31 quarter during the individual's base period in which the wage
32 credits were highest; and

33 (2) four percent (4%) of the individual's remaining wage credits
34 in the calendar quarter during the individual's base period in
35 which the wage credits were highest.

36 However, the weekly benefit amount may not exceed the amount
37 specified in subsection (i).

38 (k) With respect to initial claims filed for any week beginning on

1 and after July 1, 1997, **and before July 1, 2004**, each eligible
 2 individual who is totally unemployed (as defined in IC 22-4-3-1) in any
 3 week in the individual's benefit period shall be paid for the week, if
 4 properly claimed, benefits at the rate of:

5 (1) five percent (5%) of the first two thousand dollars (\$2,000) of
 6 the individual's wage credits in the calendar quarter during the
 7 individual's base period in which the wage credits were highest;
 8 and

9 (2) four percent (4%) of the individual's remaining wage credits
 10 in the calendar quarter during the individual's base period in
 11 which the wage credits were highest.

12 **(I) With respect to initial claims filed for any week beginning on**
 13 **and after July 1, 2004, each eligible individual who is totally**
 14 **unemployed (as defined in IC 22-4-3-1) in any week in the**
 15 **individual's benefit period shall be paid if properly claimed**
 16 **according to the following:**

17 **(1) The weekly benefit amount shall be four and one-sixth**
 18 **percent (4 1/6%) of the average quarterly wages of the**
 19 **individual's total wages during the two (2) quarters of the**
 20 **individual's base year in which the individual's total wages**
 21 **were highest.**

22 **(2) The following maximum and minimum amounts payable**
 23 **each week shall be determined as of June 30 of each year in**
 24 **order to apply to a benefit year beginning in the twelve (12)**
 25 **month period immediately following June 30:**

26 **(A) The maximum amount payable each week shall be fifty**
 27 **percent (50%) of the average weekly wage for the period**
 28 **beginning January 1 and ending June 30 of the current**
 29 **year.**

30 **(B) The minimum amount payable each week shall be**
 31 **fifteen percent (15%) of the average weekly wage for the**
 32 **period beginning January 1 and ending June 30 of the**
 33 **current year.**

34 SECTION 19. IC 22-4-14-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. ~~As a condition~~
 36 ~~precedent to the payment of benefits to an individual with respect to~~
 37 ~~any week such individual shall be required to serve a waiting period of~~
 38 ~~one (1) week in which he has been totally, partially or part-totally~~

1 unemployed and with respect to which he has received no benefits, but
 2 during which he was eligible for benefits in all other respects and was
 3 not otherwise ineligible for benefits under any provisions of this article.
 4 Such waiting period shall be a week in the individual's benefit period
 5 and during such week such individual shall be physically and mentally
 6 able to work and available for work. No ~~An~~ individual in a benefit
 7 period may ~~not~~ file for ~~waiting period or~~ benefit period rights with
 8 respect to any subsequent period. ~~Provided; however; That no waiting~~
 9 ~~period shall be required as a prerequisite for drawing extended~~
 10 ~~benefits. "~~.

11 Page 28, between lines 34 and 35, begin a new paragraph and insert:

12 "SECTION 21. IC 22-4-15-1, AS AMENDED BY P.L.290-2001,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2002]: Sec. 1. (a) With respect to benefit periods established
 15 on and after July 6, 1980, an individual who has voluntarily left the
 16 individual's most recent employment without good cause in connection
 17 with the work or who was discharged from the individual's most recent
 18 employment for just cause is ineligible for ~~waiting period or~~ benefit
 19 rights for the week in which the disqualifying separation occurred and
 20 until the individual has earned remuneration in employment equal to
 21 or exceeding the weekly benefit amount of the individual's claim in
 22 each of eight (8) weeks. If the qualification amount has not been earned
 23 at the expiration of an individual's benefit period, the unearned amount
 24 shall be carried forward to an extended benefit period or to the benefit
 25 period of a subsequent claim.

26 (b) When it has been determined that an individual has been
 27 separated from employment under disqualifying conditions as outlined
 28 in this section, the maximum benefit amount of ~~his~~ **the individual's**
 29 current claim, as initially determined, shall be reduced by twenty-five
 30 percent (25%). If twenty-five percent (25%) of the maximum benefit
 31 amount is not an even dollar amount, the amount of such reduction will
 32 be raised to the next higher even dollar amount. The maximum benefit
 33 amount may not be reduced by more than twenty-five percent (25%)
 34 during any benefit period or extended benefit period.

35 (c) The disqualifications provided in this section shall be subject to
 36 the following modifications:

37 (1) An individual shall not be subject to disqualification because
 38 of separation from the individual's employment if:

- 1 (A) the individual left to accept with another employer
2 previously secured permanent full-time work which offered
3 reasonable expectation of continued covered employment and
4 betterment of wages or working conditions; and thereafter was
5 employed on said job;
- 6 (B) having been simultaneously employed by two (2)
7 employers, the individual leaves one (1) such employer
8 voluntarily without good cause in connection with the work
9 but remains in employment with the second employer with a
10 reasonable expectation of continued employment; or
- 11 (C) the individual left to accept recall made by a base period
12 employer.
- 13 (2) An individual whose unemployment is the result of medically
14 substantiated physical disability and who is involuntarily
15 unemployed after having made reasonable efforts to maintain the
16 employment relationship shall not be subject to disqualification
17 under this section for such separation.
- 18 (3) An individual who left work to enter the armed forces of the
19 United States shall not be subject to disqualification under this
20 section for such leaving of work.
- 21 (4) An individual whose employment is terminated under the
22 compulsory retirement provision of a collective bargaining
23 agreement to which the employer is a party, or under any other
24 plan, system, or program, public or private, providing for
25 compulsory retirement and who is otherwise eligible shall not be
26 deemed to have left the individual's work voluntarily without
27 good cause in connection with the work. However, if such
28 individual subsequently becomes reemployed and thereafter
29 voluntarily leaves work without good cause in connection with the
30 work, the individual shall be deemed ineligible as outlined in this
31 section.
- 32 (5) An otherwise eligible individual shall not be denied benefits
33 for any week because the individual is in training approved under
34 Section 236(a)(1) of the Trade Act of 1974, nor shall the
35 individual be denied benefits by reason of leaving work to enter
36 such training, provided the work left is not suitable employment,
37 or because of the application to any week in training of provisions
38 in this law (or any applicable federal unemployment

1 compensation law), relating to availability for work, active search
 2 for work, or refusal to accept work. For purposes of this
 3 subdivision, the term "suitable employment" means with respect
 4 to an individual, work of a substantially equal or higher skill level
 5 than the individual's past adversely affected employment (as
 6 defined for purposes of the Trade Act of 1974), and wages for
 7 such work at not less than eighty percent (80%) of the individual's
 8 average weekly wage as determined for the purposes of the Trade
 9 Act of 1974.

10 (6) An individual is not subject to disqualification because of
 11 separation from the individual's employment if:

12 (A) the employment was outside the individual's labor market;

13 (B) the individual left to accept previously secured full-time
 14 work with an employer in the individual's labor market; and

15 (C) the individual actually became employed with the
 16 employer in the individual's labor market.

17 (7) An individual who, but for the voluntary separation to move
 18 to another labor market to join a spouse who had moved to that
 19 labor market, shall not be disqualified for that voluntary
 20 separation, if the individual is otherwise eligible for benefits.
 21 Benefits paid to the spouse whose eligibility is established under
 22 this subdivision shall not be charged against the employer from
 23 whom the spouse voluntarily separated.

24 **(8) An individual who is an affected employee (as defined in**
 25 **IC 22-4-43-1(1)) and is subject to the work sharing**
 26 **unemployment insurance program under IC 22-4-43 is not**
 27 **disqualified for participating in the work sharing**
 28 **unemployment insurance program.**

29 As used in this subsection, "labor market" means the area surrounding
 30 an individual's permanent residence, outside which the individual
 31 cannot reasonably commute on a daily basis. In determining whether
 32 an individual can reasonably commute under this subdivision, the
 33 department shall consider the nature of the individual's job.

34 (d) "Discharge for just cause" as used in this section is defined to
 35 include but not be limited to:

36 (1) separation initiated by an employer for falsification of an
 37 employment application to obtain employment through
 38 subterfuge;

- 1 (2) knowing violation of a reasonable and uniformly enforced rule
- 2 of an employer;
- 3 (3) unsatisfactory attendance, if the individual cannot show good
- 4 cause for absences or tardiness;
- 5 (4) damaging the employer's property through willful negligence;
- 6 (5) refusing to obey instructions;
- 7 (6) reporting to work under the influence of alcohol or drugs or
- 8 consuming alcohol or drugs on employer's premises during
- 9 working hours;
- 10 (7) conduct endangering safety of self or coworkers; or
- 11 (8) incarceration in jail following conviction of a misdemeanor or
- 12 felony by a court of competent jurisdiction or for any breach of
- 13 duty in connection with work which is reasonably owed an
- 14 employer by an employee.

15 SECTION 22. IC 22-4-15-2, AS AMENDED BY P.L.290-2001,
 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2002]: Sec. 2. (a) With respect to benefit periods established
 18 on and after July 3, 1977, an individual is ineligible for ~~waiting period~~
 19 ~~or~~ benefit rights, or extended benefit rights, if the department finds that,
 20 being totally, partially, or part-totally unemployed at the time when the
 21 work offer is effective or when the individual is directed to apply for
 22 work, the individual fails without good cause:

- 23 (1) to apply for available, suitable work when directed by the
- 24 commissioner, the deputy, or an authorized representative of the
- 25 department of workforce development or the United States
- 26 training and employment service;
- 27 (2) to accept, at any time after the individual is notified of a
- 28 separation, suitable work when found for and offered to the
- 29 individual by the commissioner, the deputy, or an authorized
- 30 representative of the department of workforce development or the
- 31 United States training and employment service, or an employment
- 32 unit; or
- 33 (3) to return to the individual's customary self-employment when
- 34 directed by the commissioner or the deputy.

35 (b) With respect to benefit periods established on and after July 6,
 36 1980, the ineligibility shall continue for the week in which the failure
 37 occurs and until the individual earns remuneration in employment
 38 equal to or exceeding the weekly benefit amount of the individual's

1 claim in each of eight (8) weeks. If the qualification amount has not
2 been earned at the expiration of an individual's benefit period, the
3 unearned amount shall be carried forward to an extended benefit period
4 or to the benefit period of a subsequent claim.

5 (c) With respect to extended benefit periods established on and after
6 July 5, 1981, the ineligibility shall continue for the week in which the
7 failure occurs and until the individual earns remuneration in
8 employment equal to or exceeding the weekly benefit amount of the
9 individual's claim in each of four (4) weeks.

10 (d) If an individual failed to apply for or accept suitable work as
11 outlined in this section, the maximum benefit amount of the
12 individual's current claim, as initially determined, shall be reduced by
13 twenty-five percent (25%). If twenty-five percent (25%) of the
14 maximum benefit amount is not an even dollar amount, the amount of
15 such reduction shall be raised to the next higher even dollar amount.
16 The maximum benefit amount of the individual's current claim may not
17 be reduced by more than twenty-five percent (25%) during any benefit
18 period or extended benefit period.

19 (e) In determining whether or not any such work is suitable for an
20 individual, the department shall consider:

- 21 (1) the degree of risk involved to such individual's health, safety,
22 and morals;
- 23 (2) the individual's physical fitness and prior training and
24 experience;
- 25 (3) the individual's length of unemployment and prospects for
26 securing local work in the individual's customary occupation; and
- 27 (4) the distance of the available work from the individual's
28 residence.

29 However, work under substantially the same terms and conditions
30 under which the individual was employed by a base-period employer,
31 which is within the individual's prior training and experience and
32 physical capacity to perform, shall be considered to be suitable work
33 unless the claimant has made a bona fide change in residence which
34 makes such offered work unsuitable to the individual because of the
35 distance involved.

36 (f) Notwithstanding any other provisions of this article, no work
37 shall be considered suitable and benefits shall not be denied under this
38 article to any otherwise eligible individual for refusing to accept new

1 work under any of the following conditions:

2 (1) If the position offered is vacant due directly to a strike,
3 lockout, or other labor dispute.

4 (2) If the remuneration, hours, or other conditions of the work
5 offered are substantially less favorable to the individual than
6 those prevailing for similar work in the locality.

7 (3) If as a condition of being employed the individual would be
8 required to join a company union or to resign from or refrain from
9 joining a bona fide labor organization.

10 (4) If as a condition of being employed the individual would be
11 required to discontinue training into which the individual had
12 entered with the approval of the department.

13 (g) Notwithstanding subsection (e), with respect to extended benefit
14 periods established on and after July 5, 1981, "suitable work" means
15 any work which is within an individual's capabilities. However, if the
16 individual furnishes evidence satisfactory to the department that the
17 individual's prospects for obtaining work in the individual's customary
18 occupation within a reasonably short period are good, the
19 determination of whether any work is suitable work shall be made as
20 provided in subsection (e).

21 (h) With respect to extended benefit periods established on and after
22 July 5, 1981, no work shall be considered suitable and extended
23 benefits shall not be denied under this article to any otherwise eligible
24 individual for refusing to accept new work under any of the following
25 conditions:

26 (1) If the gross average weekly remuneration payable to the
27 individual for the position would not exceed the sum of:

28 (A) the individual's average weekly benefit amount for the
29 individual's benefit year; plus

30 (B) the amount (if any) of supplemental unemployment
31 compensation benefits (as defined in Section 501(c)(17)(D) of
32 the Internal Revenue Code) payable to the individual for such
33 week.

34 (2) If the position was not offered to the individual in writing or
35 was not listed with the department of workforce development.

36 (3) If such failure would not result in a denial of compensation
37 under the provisions of this article to the extent that such
38 provisions are not inconsistent with the applicable federal law.

- 1 (4) If the position pays wages less than the higher of:
 2 (A) the minimum wage provided by 29 U.S.C. 206(a)(1) (The
 3 Fair Labor Standards Act of 1938), without regard to any
 4 exemption; or
 5 (B) the state minimum wage (IC 22-2-2).
- 6 (i) The department of workforce development shall refer individuals
 7 eligible for extended benefits to any suitable work (as defined in
 8 subsection (g)) to which subsection (h) would not apply."
 9 Page 28, line 38, strike "waiting period or".
 10 Page 29, line 34, strike "waiting period or".
 11 Page 30, after line 34, begin a new paragraph and insert:
 12 "SECTION 25. IC 22-4-15-4, AS AMENDED BY P.L.290-2001,
 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2002]: Sec. 4. (a) An individual ~~shall be~~ **is** ineligible for
 15 ~~waiting period or~~ benefit rights for any week with respect to which the
 16 individual receives, is receiving, or has received payments equal to or
 17 exceeding ~~his~~ **the individual's** weekly benefit amount in the form of:
 18 (1) deductible income as defined and applied in IC 22-4-5-1 and
 19 IC 22-4-5-2; or
 20 (2) any pension, retirement or annuity payments, under any plan
 21 of an employer whereby the employer contributes a portion or all
 22 of the money. This disqualification shall apply only if some or all
 23 of the benefits otherwise payable are chargeable to the experience
 24 or reimbursable account of ~~such~~ **the** employer, or would have
 25 been chargeable except for the application of this chapter. For ~~the~~
 26 purposes of this subdivision, ~~(2)~~; federal old age, survivors, and
 27 disability insurance benefits are not considered payments under
 28 a plan of an employer whereby the employer maintains the plan
 29 or contributes a portion or all of the money to the extent required
 30 by federal law.
- 31 (b) If the payments described in subsection (a) are less than ~~his~~ **the**
 32 **individual's** weekly benefit amount an otherwise eligible individual
 33 ~~shall is not be~~ ineligible and shall be entitled to receive for such week
 34 benefits reduced by the amount of such payments.
- 35 (c) This section does not preclude an individual from delaying a
 36 claim to pension, retirement, or annuity payments until the individual
 37 has received the benefits to which the individual would otherwise be
 38 eligible under this chapter. Weekly benefits received before the date

1 the individual elects to retire shall not be reduced by any pension,
 2 retirement, or annuity payments received on or after the date the
 3 individual elects to retire.

4 SECTION 26. IC 22-4-15-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Except as provided
 6 in IC ~~1971~~, 22-4-22, an individual ~~shall be~~ **is** ineligible for ~~waiting~~
 7 ~~period~~ or benefit rights for any week with respect to which or a part of
 8 which ~~he~~ **the individual** receives, is receiving, has received or is
 9 seeking unemployment benefits under an unemployment compensation
 10 law of another state or of the United States. ~~Provided, that~~ **However,**
 11 this disqualification shall not apply if the appropriate agency of such
 12 other state or of the United States finally determines that ~~he~~ **the**
 13 **individual** is not entitled to such employment benefits, including
 14 benefits to federal civilian employees and ex-servicemen pursuant to
 15 5 U.S.C. Chapter 85.

16 SECTION 27. IC 22-4-16-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Notwithstanding any
 18 other provisions of this article, if an individual knowingly fails to
 19 disclose amounts earned during any week in ~~his waiting period;~~ **the**
 20 **individual's** benefit period or extended benefit period with respect to
 21 which benefit rights or extended benefit rights are claimed, or
 22 knowingly fails to disclose or has falsified as to any fact ~~which that~~
 23 would have disqualified ~~him~~ **the individual** or rendered ~~him~~ **the**
 24 **individual** ineligible for benefits or extended benefits or would have
 25 reduced ~~his~~ **the individual's** benefit rights or extended benefit rights
 26 during such a week, all of ~~his~~ **the individual's** wage credits established
 27 prior to the week of the falsification or failure to disclose shall be
 28 cancelled, and any benefits or extended benefits ~~which that~~ might
 29 otherwise have become payable to ~~him~~ **the individual** and any benefit
 30 rights or extended benefit rights based upon those wage credits shall be
 31 forfeited.

32 SECTION 28. IC 22-4-17-2, AS AMENDED BY P.L.290-2001,
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2002]: Sec. 2. (a) When an individual files an initial claim, the
 35 department shall promptly make a determination of ~~his~~ **the**
 36 **individual's** status as an insured worker in a form prescribed by the
 37 board. A written notice of the determination of insured status shall be
 38 furnished ~~him~~ **to the individual** promptly. Each such determination

1 shall be based on and include a written statement showing the amount
2 of wages paid to the individual for insured work by each employer
3 during the individual's base period and shall include a finding as to
4 whether such wages meet the requirements for the individual to be an
5 insured worker, and, if so, the week ending date of the first week of the
6 individual's benefit period, the individual's weekly benefit amount, and
7 the maximum amount of benefits that may be paid to the individual for
8 weeks of unemployment in the individual's benefit period. For the
9 individual who is not insured, the notice shall include the reason for the
10 determination. Unless the individual, within twenty (20) days after such
11 determination was mailed to the individual's last known address, or
12 otherwise delivered to the individual, asks a hearing thereon before an
13 administrative law judge, such determination shall be final and benefits
14 shall be paid or denied in accordance therewith.

15 (b) The department shall promptly furnish each employer in the base
16 period whose experience or reimbursable account is potentially
17 chargeable with benefits to be paid to such individual with a notice in
18 writing of the employer's benefit liability. Such notice shall contain the
19 date, the name and social security account number of the individual,
20 the ending date of the individual's base period, and the week ending
21 date of the first week of the individual's benefit period. Such notice
22 shall further contain information as to the proportion of benefits
23 chargeable to the employer's experience or reimbursable account in
24 ratio to the earnings of such individual from such employer. Unless the
25 employer, within twenty (20) days after such notice of benefit liability
26 was mailed to the employer's last known address, or otherwise
27 delivered to the employer, asks a hearing thereon before an
28 administrative law judge, such determination shall be final and benefits
29 paid shall be charged in accordance therewith.

30 (c) An employing unit, including an employer, having knowledge
31 of any facts which may affect an individual's eligibility or right to
32 waiting period credits or benefits, shall notify the department of such
33 facts within twenty (20) days after the mailing of notice that a former
34 employee has filed an initial or additional claim for benefits on a form
35 prescribed by the board.

36 (d) In addition to the foregoing determination of insured status by
37 the department, the deputy shall, throughout the benefit period,
38 determine the claimant's eligibility with respect to each week for which

1 the claimant claims ~~waiting period credit~~ or benefit rights, the validity
2 of the claimant's claim therefor, and the cause for which the claimant
3 left the claimant's work, or may refer such claim to an administrative
4 law judge who shall make the initial determination with respect thereto
5 in accordance with the procedure in IC 22-4-17-3.

6 (e) In cases where the claimant's benefit eligibility or
7 disqualification is disputed, the department shall promptly notify the
8 claimant and the employer or employers directly involved or connected
9 with the issue raised as to the validity of such claim, the eligibility of
10 the claimant for ~~waiting period credit~~ or benefits, or the imposition of
11 a disqualification period or penalty, or the denial thereof, and of the
12 cause for which the claimant left the claimant's work, of such
13 determination and the reasons thereof. Except as otherwise hereinafter
14 provided in this subsection regarding parties located in Alaska, Hawaii,
15 and Puerto Rico, unless the claimant or such employer, within twenty
16 (20) days after such notification was mailed to the claimant's or the
17 employer's last known address, or otherwise delivered to the claimant
18 or the employer, asks a hearing before an administrative law judge
19 thereon, such decision shall be final and benefits shall be paid or
20 denied in accordance therewith. With respect to notice of disputed
21 administrative determination or decision mailed or otherwise delivered
22 to the claimant or employer either of whom is located in Alaska,
23 Hawaii, or Puerto Rico, unless such claimant or employer, within
24 twenty-five (25) days after such notification was mailed to the
25 claimant's or employer's last known address or otherwise delivered to
26 the claimant or employer, asks a hearing before an administrative law
27 judge thereon, such decision shall be final and benefits shall be paid or
28 denied in accordance therewith. If such hearing is desired, the request
29 therefor shall be filed with the commissioner in writing within the
30 prescribed periods as above set forth in this subsection and shall be in
31 such form as the board may prescribe. In the event a hearing is
32 requested by an employer or the department after it has been
33 administratively determined that benefits should be allowed to a
34 claimant, entitled benefits shall continue to be paid to said claimant
35 unless said administrative determination has been reversed by a due
36 process hearing. Benefits with respect to any week not in dispute shall
37 be paid promptly regardless of any appeal.

38 (f) ~~No~~ A person may **not** participate on behalf of the department in

1 any case in which the person is an interested party.

2 (g) Solely on the ground of obvious administrative error appearing
 3 on the face of an original determination, and within the benefit year of
 4 the affected claims, the commissioner, or a representative authorized
 5 by the commissioner to act in the commissioner's behalf, may
 6 reconsider and direct the deputy to revise the original determination so
 7 as to correct the obvious error appearing therein. Time for filing an
 8 appeal and requesting a hearing before an administrative law judge
 9 regarding the determinations handed down pursuant to this subsection
 10 shall begin on the date following the date of revision of the original
 11 determination and shall be filed with the commissioner in writing
 12 within the prescribed periods as above set forth in subsection (c).

13 (h) Notice to the employer and the claimant that the determination
 14 of the department is final if a hearing is not requested shall be
 15 prominently displayed on the notice of the determination which is sent
 16 to the employer and the claimant.

17 SECTION 28. IC 22-4-43 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2002]:

20 **Chapter 43. Work Sharing**

21 **Sec. 1. As used in this chapter:**

22 (1) "Affected employee" means an individual who has been
 23 continuously on the payroll of an affected unit for at least
 24 three (3) months before the employing unit submits a work
 25 sharing plan.

26 (2) "Affected unit" means a specific plant, department, shift,
 27 or other definable unit of an employing unit:

28 (A) that has at least two (2) employees; and

29 (B) to which an approved work sharing plan applies.

30 (3) "Approved work sharing plan" means a plan that satisfies
 31 the purpose set forth in section 2 of this chapter and has the
 32 approval of the commissioner.

33 (4) "Commissioner" means the commissioner of workforce
 34 development appointed under IC 22-4.1-3-1.

35 (5) "Employee association" means:

36 (A) an association that is a party to a collective bargaining
 37 agreement under which it may negotiate a work sharing
 38 plan; or

1 **(B) an association authorized by all of its members to**
2 **become a party to a work sharing plan.**

3 **(6) "Normal weekly work hours" means the lesser of:**

4 **(A) the number of hours in a week that an employee**
5 **customarily works for the regular employing unit; or**

6 **(B) forty (40) hours.**

7 **(7) "Work sharing plan" means a plan of an employing unit**
8 **or employer association under which:**

9 **(A) normal weekly work hours of affected employees are**
10 **reduced; and**

11 **(B) affected employees share the work that remains after**
12 **the reduction.**

13 **(8) "Work sharing benefit" means benefits payable to an**
14 **affected employee for work performed under an approved**
15 **work sharing plan, including benefits payable to a federal**
16 **civilian employee or former member of the armed forces**
17 **under 5 U.S.C. 8500 et seq., but does not include benefits that**
18 **are otherwise payable under this article.**

19 **(9) "Work sharing employer" means an employing unit or**
20 **employer association for which a work sharing plan has been**
21 **approved.**

22 **Sec. 2. The work sharing unemployment insurance program**
23 **seeks to:**

24 **(1) preserve the jobs of employees and the work force of an**
25 **employer during lowered economic activity by reduction in**
26 **work hours or workdays rather than by a layoff of some**
27 **employees while other employees continue their normal**
28 **weekly work hours or workdays; and**

29 **(2) ameliorate the adverse effect of reduction in business**
30 **activity by providing benefits for the part of the normal**
31 **weekly work hours or workdays in which an employee does**
32 **not work.**

33 **Sec. 3. An employing unit or employee association that wishes**
34 **to participate in the work sharing unemployment insurance**
35 **program shall submit to the commissioner a written work sharing**
36 **plan that the employing unit or representative of the employee**
37 **association has signed.**

38 **Sec. 4. (a) Within fifteen (15) days after receipt of a work**

1 sharing plan, the commissioner shall give written approval or
 2 disapproval of the plan to the employing unit or employee
 3 association.

4 (b) The decision of the commissioner to disapprove a work
 5 sharing plan is final and may not be appealed.

6 (c) An employing unit or employee association may submit a
 7 new work sharing plan not less than fifteen (15) days after
 8 disapproval of a work sharing plan.

9 **Sec. 5. The commissioner shall approve a work sharing plan
 10 that meets the following requirements:**

11 (1) The work sharing plan must apply to:

12 (A) at least ten percent (10%) of the employees in an
 13 affected unit; or

14 (B) at least twenty (20) employees in an affected unit in
 15 which the work sharing plan applies equally to all affected
 16 employees.

17 (2) The normal weekly work hours of affected employees in
 18 the affected unit shall be reduced by at least ten percent
 19 (10%) but the reduction may not exceed fifty percent (50%)
 20 unless waived by the commissioner.

21 **Sec. 6. A work sharing plan must:**

22 (1) identify the affected unit;

23 (2) identify each employee in the affected unit by:

24 (A) name;

25 (B) Social Security number; and

26 (C) any other information that the commissioner requires;

27 (3) specify an expiration date that is not more than six (6)
 28 months after the effective date of the work sharing plan;

29 (4) specify the effect that the work sharing plan will have on
 30 the fringe benefits of each employee in the affected unit
 31 including:

32 (A) health insurance for hospital, medical, dental, and
 33 similar services;

34 (B) retirement benefits under benefit pension plans as
 35 defined in the federal Employee Retirement Security Act
 36 (29 U.S.C. 1001 et seq.);

37 (C) holiday and vacation pay;

38 (D) sick leave; and

- 1 **(E) similar advantages;**
 2 **(5) certify that:**
 3 **(A) each affected employee has been continuously on the**
 4 **payroll of the employing unit for three (3) months**
 5 **immediately before the date on which the employing unit**
 6 **or employer association submits the work sharing plan;**
 7 **and**
 8 **(B) the total reduction in normal weekly work hours is in**
 9 **place of layoffs that would have:**
 10 **(i) affected at least the number of employees specified in**
 11 **section 5(1) of this chapter; and**
 12 **(ii) would have resulted in an equivalent reduction in**
 13 **work hours; and**
 14 **(6) contain the written approval of:**
 15 **(A) the collective bargaining agent for each collective**
 16 **bargaining agreement that covers any affected employee**
 17 **in the affected unit; or**
 18 **(B) if there is no agent, a representative of the employees**
 19 **or employee association in the affected unit.**
 20 **Sec. 7. If a work sharing plan serves the work sharing employer**
 21 **as a transitional step to permanent staff reduction, the work**
 22 **sharing plan must contain a reemployment assistance plan for each**
 23 **affected employee that the work sharing employer develops with**
 24 **the commissioner.**
 25 **Sec. 8. The work sharing employer shall agree to:**
 26 **(1) submit reports that are necessary to administer the work**
 27 **sharing plan; and**
 28 **(2) allow the department to have access to all records**
 29 **necessary to:**
 30 **(A) verify the work sharing plan before its approval; and**
 31 **(B) monitor and evaluate the application of the work**
 32 **sharing plan after its approval.**
 33 **Sec. 9. (a) An approved work sharing plan may be modified if**
 34 **the modification meets the requirements for approval under**
 35 **section 6 of this chapter and the commissioner approves the**
 36 **modifications.**
 37 **(b) An employing unit may add an employee to a work sharing**
 38 **plan when the employee has been continuously on the payroll for**

1 three (3) months.

2 (c) An approved modification of a work sharing plan may not
3 change its expiration date.

4 Sec. 10. (a) An affected employee is eligible under section 12 of
5 this chapter to receive work sharing benefits for each week in
6 which the commissioner determines that the affected employee is:

- 7 (1) able to work; and
- 8 (2) available for more hours of work or full-time work for
9 the worksharing employer.

10 (b) An affected employee who otherwise is eligible may not be
11 denied work sharing benefits for lack of effort to secure work as set
12 forth in IC 22-4-14-3 or for failure to apply for available suitable
13 work as set forth in IC 22-4-15-2 from a person other than the
14 work sharing employer.

15 (c) An affected employee shall apply for benefits under
16 IC 22-4-17-1.

17 (d) An affected employee who otherwise is eligible for benefits
18 is:

- 19 (1) considered to be unemployed for the purpose of the work
20 sharing unemployment insurance program; and
- 21 (2) not subject to the requirements of IC 22-4-14-2.

22 Sec. 11. The weekly work sharing unemployment compensation
23 benefit due to an affected worker is determined in STEP FOUR of
24 the following formula:

25 STEP ONE: Determine the weekly benefit that would be due
26 to the affected employee under IC 22-4-12-4.

27 STEP TWO: Determine the percentage of reduction in the
28 employee's normal work hours as to those under the approved
29 work sharing plan.

30 STEP THREE: Multiply the number determined in STEP
31 ONE by the quotient determined in STEP TWO.

32 STEP FOUR: If the product determined under STEP THREE
33 is not a multiple of one dollar (\$1), round down to the nearest
34 lower multiple of one dollar (\$1).

35 Sec. 12. (a) An affected employee is eligible to receive not more
36 than twenty six (26) weeks of work sharing benefits during each
37 benefit year.

38 (b) The total amount of benefits payable under IC 22-4-12-4 and

1 work sharing benefits payable under this chapter may not exceed
2 the total payable for the benefit year under IC 22-4-12-4(a).

3 Sec. 13. The board shall establish rules under IC 4-22-2
4 applicable to partially unemployed workers for determining their
5 weekly benefit amount due under this chapter, subject to
6 IC 22-4-12-5(b).

7 Sec. 14. During a week in which an affected employee who
8 otherwise is eligible for benefits does not work for the work
9 sharing employer:

10 (1) the individual shall be paid benefits in accordance with
11 this chapter; and

12 (2) the week does not count as a week for which a work
13 sharing benefit is received.

14 Sec. 15. During a week in which an employee earns wages under
15 an approved work sharing plan and other wages, the work sharing
16 benefit shall be reduced by the same percentage that the combined
17 wages are of wages for normal weekly work hours if the other
18 wages:

19 (1) exceed the wages earned under the approved work sharing
20 plan; and

21 (2) do not exceed ninety percent (90%) of the wages that the
22 individual earns for normal weekly work hours.

23 This computation applies regardless of whether the employee
24 earned the other wage from the work sharing employer or other
25 employer.

26 Sec. 16. While an affected employee applies for or receives work
27 sharing benefits, the affected employee is not eligible for:

28 (1) extended benefits under IC 22-4-12-4; or

29 (2) supplemental federal unemployment compensation.

30 Sec. 17. The commissioner may revoke approval of an approved
31 work sharing plan for good cause, including:

32 (1) conduct or an occurrence that tends to defeat the intent
33 and effective operation of the approved work sharing plan;

34 (2) failure to comply with an assurance in the approved work
35 sharing plan;

36 (3) unreasonable revision of a productivity standard of the
37 affected unit; and

38 (4) violation of a criterion on which the commissioner based

1 **the approval of the work sharing plan.**

2 SECTION 29. IC 22-4-44 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2002]:

5 **Chapter 44. Expanded Unemployment Insurance Benefits While**
6 **in State Training**

7 **Sec. 1. It is the intent of the general assembly that:**

8 (1) a training benefits program be established to provide
9 unemployment insurance benefits to unemployed individuals
10 who participate in training programs necessary for their
11 reemployment;

12 (2) funding for the program be limited by a specified
13 maximum amount each fiscal year;

14 (3) individuals unemployed as a result of structural changes
15 in the economy and technological advances rendering their
16 skills obsolete must receive the highest priority for
17 participation in the program;

18 (4) individuals for whom suitable employment is available are
19 not eligible for additional benefits while participating in
20 training; and

21 (5) the program shall serve the following goals:

22 (A) Retraining should be available for those unemployed
23 individuals whose skills are no longer in demand.

24 (B) To be eligible for retraining, an individual must have
25 a long term attachment to the labor force.

26 (C) Training must enhance the individual's marketable
27 skills and earning power.

28 (D) Retraining must be targeted to those industries or
29 skills that are in high demand within the labor market.

30 **Sec. 2. The following definitions apply throughout this chapter:**

31 (1) "High demand" means demand for employment that
32 exceeds the supply of qualified workers for occupations or
33 skill sets in a labor market area.

34 (2) "State educational institution" has the meaning set forth
35 in IC 20-12-0.5-1 and includes an equivalent educational
36 institution in another state that also receives appropriations
37 from the general assembly of the other state.

38 (3) "Sufficient tenure" means earning a plurality of wages in

1 a particular occupation or using a particular skill set during
 2 the base period and at least two (2) of the four (4) twelve (12)
 3 month periods immediately preceding the base period.

4 (4) "Training benefits" means additional benefits paid under
 5 this chapter.

6 (5) "Training program" means:

7 (A) an education program determined to be necessary as
 8 a prerequisite to vocational training after counseling at the
 9 state educational institution in which the individual enrolls
 10 under the individual's approved training program; or

11 (B) a vocational training program at a state educational
 12 institution that:

13 (i) is targeted to training for a high demand occupation.
 14 Beginning July 1, 2002, the assessment of high demand
 15 occupations authorized for training under this chapter
 16 must be substantially based on labor market and
 17 employment information developed by the department
 18 of employment and training services in cooperation with
 19 the commissioner of labor under IC 22-1-1-8(2);

20 (ii) is likely to enhance the individual's marketable skills
 21 and earning power; and

22 (iii) meets the criteria for performance developed by the
 23 department of employment and training services for the
 24 purpose of determining those training programs eligible
 25 for funding under 29 U.S.C. 2911 et seq.

26 The term does not include any course of education primarily
 27 intended to meet the requirements of a baccalaureate or
 28 higher degree, unless the training meets specific requirements
 29 for certification, licensing, or specific skills necessary for the
 30 occupation.

31 Sec. 3. Subject to availability of funds, training benefits are
 32 available for an individual who meets all the following conditions:

33 (1) The individual is eligible for or has exhausted entitlement
 34 to unemployment compensation benefits.

35 (2) The individual is a dislocated worker who:

36 (A) has been terminated or received a notice of termination
 37 from employment;

38 (B) is eligible for or has exhausted entitlement to

1 unemployment compensation benefits; and
 2 (C) is unlikely to return to employment in the individual's
 3 principal occupation or previous industry because of a
 4 diminishing demand for the individual's skills in that
 5 occupation or industry.

6 (3) Except as provided under subdivision (4), the individual
 7 has demonstrated, through a work history, sufficient tenure
 8 in an occupation or in work with a particular skill set. This
 9 screening will take place during the assessment process.

10 (4) The individual is, after assessment of demand for the
 11 individual's occupation or skills in the individual's labor
 12 market, determined to need job related training to find
 13 suitable employment in the individual's labor market.
 14 Beginning July 1, 2002, the assessment of demand for the
 15 individual's occupation or skill sets must be substantially
 16 based on declining occupation or skill sets identified in local
 17 labor market areas by the department of employment and
 18 training services.

19 (5) The individual develops an individual training program
 20 that is submitted to the commissioner for approval within
 21 sixty (60) days after the individual is notified by the
 22 department of the requirements of this section.

23 (6) The individual enters the approved training program
 24 within ninety (90) days after the date of the notification,
 25 unless the department determines that the training is not
 26 available during the ninety (90) day period, in which case the
 27 individual enters training as soon as it is available.

28 (7) The individual is enrolled in training approved under this
 29 chapter on a full-time basis as determined by the state
 30 educational institution and is making satisfactory progress in
 31 the training as certified by the state educational institution.

32 **Sec. 4. An individual is not eligible for training benefits under**
 33 **this chapter if the individual:**

34 (1) is a standby claimant who expects recall to his or her
 35 regular employer;

36 (2) has a definite recall date that is within six (6) months after
 37 the date the individual has been laid off; or

38 (3) is unemployed due to regular seasonal employment as

1 **defined in IC 22-4-8-4(a).**

2 **Sec. 5. Benefits shall be paid as follows:**

3 **(1) The total training benefit amount shall be fifty-two (52)**
4 **times the individual's weekly benefit amount, reduced by the**
5 **total amount of regular benefits and extended benefits paid or**
6 **considered paid with respect to the benefit year.**

7 **(2) The weekly benefit amount shall be the same as the**
8 **regular weekly amount payable during the applicable benefit**
9 **year and shall be paid under the same terms and conditions as**
10 **regular benefits. The training benefits shall be paid before any**
11 **extended benefits but not before any similar federally funded**
12 **program.**

13 **(3) Training benefits are not payable for weeks more than two**
14 **(2) years beyond the end of the benefit year of the regular**
15 **claim.**

16 **Sec. 6. The provisions of IC 22-4-2-34(i) relating to exhaustees**
17 **and regular benefits do not apply to an individual otherwise**
18 **eligible for training benefits under this chapter when the**
19 **individual's benefit year ends before the training benefits are**
20 **exhausted and the individual is eligible for a new benefit year. The**
21 **individual will have the option of remaining on the original claim**
22 **or filing a new claim.**

23 **Sec. 7. An individual who receives training benefits under this**
24 **chapter or under any previous additional benefits program for**
25 **training is not eligible for training benefits under this chapter for**
26 **five (5) years from the last receipt of training benefits under this**
27 **chapter or under any previous additional benefits program for**
28 **training.**

29 **Sec. 8. All base period employers are interested parties to the**
30 **approval of training and the granting of training benefits.**

31 **Sec. 9. By July 1, 2002, the department of employment and**
32 **training services in cooperation with the commissioner of labor**
33 **under IC 22-1-1-8(2) must identify occupations and skill sets that**
34 **are declining and occupations and skill sets that are in high**
35 **demand. Thereafter, the department of employment and training**
36 **services shall update this information annually or more frequently**
37 **if needed.**

38 **Sec. 10. The department is authorized to pay training benefits**

1 under section 3 of this chapter but may not obligate expenditures
 2 beyond the appropriation made by the general assembly or beyond
 3 funds available to the department under IC 22-4-40-11. The
 4 department shall develop a procedure to ensure that expenditures
 5 do not exceed available funds and to prioritize access to funds
 6 when again available.

7 **Sec. 11. The department shall adopt rules under IC 4-22-2 to**
 8 **implement this chapter.**

9 SECTION 30. [EFFECTIVE JULY 1, 2002] (a) **Notwithstanding**
 10 **IC 22-4-43-13, as added by this act, the unemployment insurance**
 11 **board shall carry out the duties imposed upon it under**
 12 **IC 22-4-43-13, as added by this act, under interim written**
 13 **guidelines approved by the commissioner of workforce**
 14 **development.**

15 (b) **This SECTION expires on the earlier of the following:**

16 (1) **The date rules are adopted under IC 22-4-43-13, as added**
 17 **by this act.**

18 (2) **December 31, 2003.**

19 SECTION 31. [EFFECTIVE JULY 1, 2002] (a) **Notwithstanding**
 20 **IC 22-4-44-9, as added by this act, the department of workforce**
 21 **development shall carry out the duties imposed upon it under**
 22 **IC 22-4-44-9, as added by this act, under interim written guidelines**
 23 **approved by the commissioner of workforce development.**

24 (b) **This SECTION expires on the earlier of the following:**

25 (1) **The date rules are adopted under IC 22-4-44-9, as added**
 26 **by this act.**

27 (2) **December 31, 2003.**

28 SECTION 32. [EFFECTIVE UPON PASSAGE] (a)
 29 **Notwithstanding IC 22-4-2-12, as amended by this act, the**
 30 **department of workforce development shall carry out the duties**
 31 **imposed upon it under IC 22-4-2-12 under interim written**
 32 **guidelines approved by the commissioner of the department of**
 33 **workforce development.**

34 (b) **This SECTION expires on the earlier of the following:**

35 (1) **The date rules are adopted under IC 22-4-2-12, as**
 36 **amended by this act.**

37 (2) **December 31, 2003.**

38 SECTION 33. **An emergency is declared for this act."**

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1313 as introduced.)

and when so amended that said bill do pass.

Representative Liggett