

HOUSE BILL No. 1940

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4-14-7.

Synopsis: Unemployment benefits for educational employees. Provides that an employee of an educational institution who does not continue in service with the educational institution after the end of an academic year or term is not eligible for unemployment benefits until after the date the employee would have returned to service for the next academic year or term if the employee were still providing services to the educational institution.

Effective: July 1, 2003.

Thompson, LaPlante

January 23, 2003, read first time and referred to Committee on Labor and Employment.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1940



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-4-14-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Benefits based on
3 service in employment defined in IC 22-4-8-2(i) and IC 22-4-8-2(j)
4 shall be payable in the same amount, on the terms, and subject to the
5 same conditions as compensation payable on the basis of other service
6 subject to this article, unless otherwise specifically provided, subject
7 to the following exceptions:

8 (1) With respect to service performed in an instructional,
9 research, or principal administrative capacity for an educational
10 institution, benefits may not be paid based on the service for any
11 week of unemployment commencing during the period between
12 two (2) successive academic years or terms or during the period
13 between two (2) regular but not successive terms or during a
14 period of paid sabbatical leave provided for in the individual's
15 contract to any individual if the individual performs the services
16 in the first of the academic years or terms and if there is a
17 reasonable assurance that the individual will perform services in



1 an instructional, research, or principal administrative capacity for
 2 any educational institution in the second of the academic years or
 3 terms.

4 (2) With respect to services performed in any capacity (other than
 5 those listed in subdivision (1)) of this section) for an educational
 6 institution, benefits may not be paid based on the service of an
 7 individual for any week which commences during a period
 8 between two (2) successive academic years or terms if the
 9 individual performs the service in the first of the academic years
 10 or terms and there is reasonable assurance that the individual will
 11 perform the service in the second of the academic years or terms.
 12 However, with respect to weeks of unemployment beginning on
 13 or after January 1, 1984, **and before July 1, 2003**, if
 14 compensation is denied to any individual under this subdivision
 15 and the individual was not offered an opportunity to perform such
 16 services for the educational institution for the second of the
 17 academic years or terms, the individual is entitled to a retroactive
 18 payment of compensation for each week for which the individual
 19 filed a timely claim for compensation and for which compensation
 20 was denied solely by reason of this subdivision.

21 (3) With respect to any services described in subdivisions (1) or
 22 (2), of this section, compensation payable for these services shall
 23 be denied to any individual for any week which commences
 24 during an established and customary vacation period or holiday
 25 recess if there is reasonable assurance that the individual will
 26 perform the services in the period immediately following the
 27 vacation period or holiday recess.

28 (4) **For service described in subdivisions (1), (2), and (3) and**
 29 **for weeks of unemployment beginning on or after July 1,**
 30 **2003, if:**

31 (A) **an individual's service does not continue with an**
 32 **educational institution; or**

33 (B) **there is not a reasonable assurance that the individual**
 34 **will perform services for an educational institution:**

35 (i) **after the end of an academic year or term; or**

36 (ii) **in the period immediately following a vacation**
 37 **period, a holiday recess, or the period between school**
 38 **terms;**

39 **benefits may not be paid until after the date the individual**
 40 **would have resumed service with the educational institution**
 41 **had the individual's service continued with the educational**
 42 **institution.**

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1 **(5)** With respect to any services described in subdivisions (1) and
 2 (2), benefits shall not be payable on the basis of services in any
 3 such capacities as specified in subdivisions (1), (2), and (3) to any
 4 individual who performed such services in an educational
 5 institution while in the employ of an educational service agency.
 6 For purposes of this subdivision, the term "educational service
 7 agency" means a governmental agency or governmental entity that
 8 is established and operated exclusively for the purpose of
 9 providing such services to one (1) or more educational
 10 institutions.

11 (b) For purposes of this section, benefits may not be denied during
 12 the period between academic years or terms to any individual having
 13 wage credits earned with other than an educational institution if the
 14 wage credits qualify the individual under section 5 of this chapter and
 15 the individual is otherwise eligible. In these cases, the claim shall be
 16 computed based on the wage credits earned with employers other than
 17 educational institutions reported for the individual during the base
 18 period, in accordance with IC 22-4-12-2 and IC 22-4-12-4. Benefits
 19 paid based on the computation shall be only for weeks of
 20 unemployment occurring between academic years or terms. For any
 21 weeks of unemployment claims other than between academic years or
 22 terms, the claims of these individuals shall be recomputed to include
 23 all base period wages.

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