



The 2009 General Assembly convened on January 7, 2009 and adjourned on April 29, 2009 to complete the "Long Session."

IMDMC Tracking Report

Run Time: Thursday, May-14-2009, 08:23 AM

HB1379 Unemployment compensation and labor issues. (Niezgodski, Kruse, Dillon)

Digest

Establishes the unemployment insurance oversight committee to: (1) oversee the department of workforce development's (department) administration of the unemployment insurance system; (2) recommend improvements in the collection of contributions and reimbursements and in the determination of eligibility for and the payment of unemployment benefits; (3) monitor the unemployment insurance benefit fund (fund); and (4) make recommendations to improve the solvency of the fund. Provides that reimbursable employers pay only the portion of extended benefits not reimbursed by the federal government. Requires that extended benefits be paid for at least 13 weeks after a determination that the state "on" indicator is in effect. Changes the "off" indicator to the maximum allowable under federal law. Provides an additional "on indicator" under which extended benefit periods may be triggered. Increases the total extended benefit amount payable to an individual for extended benefit periods beginning in a "high unemployment period". Specifies that the additional "on" indicator expires on the later of December 5, 2009, or the week ending four weeks before the last week for which federal sharing is authorized by the federal American Recovery and Reinvestment Act of 2009 (Act). Provides that for any weeks of unemployment beginning after February 17, 2009, and before January 1, 2010, an individual's eligibility period for extended benefits is considered to include any week that begins: (1) after the date as of which the individual exhausts all rights to emergency unemployment compensation; and (2) during an extended benefit period that began on or before that date. Increases the taxable wage base from \$7,000 to \$9,500. Expands the definition of an "employing unit" to include all forms of legal entities. Adds restrictions on an employer's ability to create a new experience account (account) for purposes of reducing the employer's contribution rate. Phases out the current tax rate schedule, and provides a new tax rate schedule effective in 2010. Provides that for calendar year 2010 new Schedule B applies in determining and assigning each employer's contribution rate. Permits an employer with a debit reserve ratio to elect once, after December 31, 2009, and before January 1, 2012, to make a voluntary contribution to the fund and receive a credit to the employer's account equal to 250% of the amount of the voluntary contribution. Limits the credit to the amount necessary for the employer to attain the next lower contribution rate. Permits an employer to pay the voluntary contribution in equal periodic payments over a period not to exceed five years. Provides that the term "effort to secure full-time work" includes submitting at least one application for work each week that the individual is claiming benefits. Provides that submitting an online application satisfies this condition. Permits the department to waive the job search requirement when an individual is: (1) attending training; (2) a job-attached worker with a specific recall date that is not more than 60 days after separation; or (3) using a hiring service, referral service, or other job placement service. Also permits a waiver when requiring compliance with the requirement is inconsistent with the purposes of unemployment insurance law. Provides that as conditions precedent to the payment of benefits to an individual for benefit periods established on and after January 1, 2010: (1) the individual must have established, after the last day of the individual's last base period wage credits equal to at least 1.5 times the wages paid to the individual in the calendar quarter in which the individual's wages were highest; and (2) the individual must have established wage credits in the last two calendar quarters of the individual's base period in a total amount of not less than \$2,500 and an aggregate in the four calendar quarters of the individual's base period of not less than \$4,200. Provides that the definition of "discharge for just cause" includes the violation of a rule regarding attendance. Reduces the maximum benefit amount of an individual's current claim by 25% as a

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penalty for an individual's first separation from employment under disqualifying conditions or first failure to apply for or accept suitable work. Provides for additional reductions in an individual's maximum benefit amount of 15% for the second separation or failure and 10% for the third and each subsequent separation or failure. Provides that work is not considered unsuitable during the fifth through the eighth consecutive week of claiming benefits if the work pays not less than 90% of the individual's prior weekly wage work. Provides that work is not considered unsuitable after eight consecutive weeks of claiming benefits if the work pays not less than 80% of the individual's prior weekly wage. Expands the definition of "gross misconduct" for which an individual's wage credits are canceled. Provides that the employer has the burden of proof that a discharged employee's conduct was gross misconduct, and allows evidence that the employer filled or maintained the position or job held by a discharged employee after the employee's discharge. Permits evidence that a discharged employee has not been prosecuted or convicted for the conduct. Provides that if evidence is presented that an action or requirement of the employer may have caused the conduct that is the basis for the employee's discharge, the conduct is not gross misconduct. Provides that lawful conduct not otherwise prohibited by an employer is not gross misconduct. Deletes the requirement that a felony or a Class A misdemeanor may constitute gross misconduct only if the felony or misdemeanor is admitted by the individual or has resulted in a conviction. Expands the types of information a notice of a claim for unemployment benefits (claim) must provide. Requires the department to establish an unemployment claims compliance center to investigate instances in which information provided by an individual who files a claim does not match information provided by the individual's base period employers. Charges half of the benefits paid to an employer's account if the employer fails to respond to a request by the department for information necessary to make a determination concerning a claim and the employer eventually prevails in the appeal. Provides for a credit to the employer's account equal to the amount of any overpayment recovered. Requires the department to provide annually certain training to all administrative law judges, review board members, and other individuals who adjudicate claims. Requires the department to regularly monitor the hearings and decisions of individuals who adjudicate claims to ensure that the hearings and decisions strictly comply with the law, and provides for department disciplinary action up to and including termination for an individual's failure to do so. Authorizes the department to charge a reasonable processing fee not to exceed \$2 for records concerning an individual's last known employer that must be disclosed by court order. Requires the unemployment insurance board to transfer from the special employment and training services fund (special fund) to the fund amounts in the special fund that exceed \$8.5 million. Establishes the Hoosier workers first training program to allocate to employers or consortiums money for incumbent worker training grants that enable workers who reside in Indiana to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness. Requires the commissioner of the department to: (1) examine the annual cost of implementing changes to eligibility and other requirements of the state's existing unemployment insurance system in order to qualify for the maximum amount available to a state under the Act; (2) compare the annual cost of implementing changes with the maximum amount available to the state under the Act as a result of making the changes; (3) initiate the changes examined, unless the commissioner determines that the negative fiscal impact to the fund outweighs the benefits of the amounts available to the state under the Act and the expansion of eligibility and other requirements of the state's existing unemployment insurance system; and (4) submit to the legislative council, the unemployment insurance oversight committee, the speaker of the house of representatives, and the president pro tempore of the senate a report that: (A) details the commissioner's actions, or the commissioner's decision not to initiate changes; (B) recommends any legislation necessary to modify the state's unemployment insurance system in order for the state to qualify for amounts available under the Act; and (C) analyzes the fiscal impact to the fund of the commissioner's actions, or decision not to initiate changes, and recommended legislation. Repeals: (1) expired employer rate schedules; (2) expired provisions concerning the skills 2016 training program; (3) an expired definition of "dependent"; and (4) a provision concerning witness fees.

Date Action

05/05/2009 S: Signed By the President Pro Tem

05/06/2009 Received Received by the Governor

05/13/2009 Governor Signed

HB1382 Coverage related to clinical trials. (Welch, Gard, Sipes)

Digest

Requires coverage for certain services related to cancer clinical trials under a state employee health plan, the state Medicaid program, a policy of accident and sickness insurance, and a health maintenance organization contract.

Date Action

05/05/2009 S: Signed By the President Pro Tem

05/06/2009 Received Received by the Governor

05/07/2009 Governor Signed

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