



January 28, 2020

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## HOUSE BILL No. 1244

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DIGEST OF HB 1244 (Updated January 28, 2020 10:24 am - DI 135)

**Citations Affected:** IC 22-4.

**Synopsis:** Unemployment hearings and appeals. Provides that, in unemployment appeals, the proceedings before an administrative law judge are de novo. Provides that an administrative law judge, review board member, or other individual who adjudicates claims can consider as evidence and include in the record those records of the department of workforce development that are material to the issues being considered in the hearing.

**Effective:** July 1, 2020.

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### Vermilion, Leonard

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January 13, 2020, read first time and referred to Committee on Employment, Labor and Pensions.

January 28, 2020, reported — Do Pass.

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HB 1244—LS 6605/DI 128





January 28, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1244

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

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

1 SECTION 1. IC 22-4-17-6, AS AMENDED BY P.L.122-2019,  
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 6. (a) The manner in which disputed claims shall  
4 be presented and the conduct of hearings and appeals, including the  
5 conduct of administrative law judges, review board members, and other  
6 individuals who adjudicate claims during a hearing or other  
7 adjudicative process, shall be in accordance with rules adopted by the  
8 department for determining the rights of the parties, whether or not the  
9 rules conform to common law or statutory rules of evidence and other  
10 technical rules of procedure.

11 **(b) The proceedings before an administrative law judge are de**  
12 **novo, except as provided in subsection (c).**

13 **(c) Administrative law judges, review board members, and**  
14 **other individuals who adjudicate claims during a hearing or other**  
15 **adjudicative process may consider as evidence and include in the**  
16 **record described in subsection (d) those records of the department**  
17 **that are material to the issues being considered in the hearing.**

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1           ~~(b)~~ **(d)** A full and complete record shall be kept of all proceedings  
2 in connection with a disputed claim. The testimony at any hearing upon  
3 a disputed claim need not be transcribed unless the disputed claim is  
4 further appealed.

5           ~~(c)~~ **(e)** Each party to a hearing before an administrative law judge  
6 held under section 3 of this chapter shall be sent a notice of the hearing  
7 at least ten (10) days before the date of the hearing specifying the date,  
8 place, and time of the hearing, identifying the issues to be decided, and  
9 providing complete information about the rules of evidence and  
10 standards of proof that the administrative law judge will use to  
11 determine the validity of the claim.

12           ~~(d)~~ **(f)** If a hearing so scheduled has not commenced within at least  
13 sixty (60) minutes of the time for which it was scheduled, then a party  
14 involved in the hearing may request a continuance of the hearing. Upon  
15 submission of a request for continuance of a hearing under  
16 circumstances provided in this section, the continuance shall be  
17 granted unless the party requesting the continuance was responsible for  
18 the delay in the commencement of the hearing as originally scheduled.  
19 In the latter instance, the continuance shall be discretionary with the  
20 administrative law judge. Testimony or other evidence introduced by  
21 a party at a hearing before an administrative law judge or the review  
22 board that another party to the hearing:

23           (1) is not prepared to meet; and

24           (2) by ordinary prudence could not be expected to have  
25 anticipated;

26 shall be good cause for continuance of the hearing and upon motion  
27 such continuance shall be granted.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1244, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1244 as introduced.)

VANNATTER

Committee Vote: Yeas 9, Nays 2

