

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1497

---

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

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

SECTION 1. IC 22-4-14-3, AS AMENDED BY P.L.154-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) may restrict the individual's availability because of the individual's need to address the physical, psychological, or legal effects of being a victim of domestic or family violence (as defined in IC 31-9-2-42).

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

- (1) is physically and mentally able to work;
- (2) is available for work;
- (3) is found by the department to be making an effort to secure full-time work; and
- (4) participates in reemployment services ~~such as job search assistance services; if the individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the department;~~ and reemployment and eligibility assessment activities when directed by the department **as provided under section 3.5 of this chapter**, unless the department determines that:

(A) the individual has completed the reemployment services;

HEA 1497 — Concur



or

(B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

The term "effort to secure full-time work" shall be defined by the department through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, if an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

- (1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment, or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;
- (2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;
- (3) that such individual is suspended for misconduct in connection with the individual's work; or
- (4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and is available for suitable full-time work with the individual's last employer, or is available for any other full-time employment deemed suitable.

(d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the



approval of the department by reason of the application of the provisions of this section with respect to the availability for work or active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The department shall by rule prescribe the conditions under which approval of such training will be granted.

(e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an otherwise eligible individual shall not be denied benefits for any week or determined not able, available, and actively seeking work, because the individual is responding to a summons for jury service. The individual shall:

- (1) obtain from the court proof of the individual's jury service; and
- (2) provide to the department, in the manner the department prescribes by rule, proof of the individual's jury service.

(f) ~~For purposes of this section, reemployment services and reemployment and eligibility assessment activities provided to an individual:~~

(1) ~~must include:~~

- (A) ~~orientation to the services available through a one stop center (as defined by IC 22-4.5-2-6);~~
- (B) ~~provision of labor market and career information;~~
- (C) ~~assessment of the individual's workforce and other job related skills; and~~
- (D) ~~a review of the individual's work search efforts; and~~

(2) ~~may include:~~

- (A) ~~comprehensive and specialized assessments;~~
- (B) ~~individual and group career counseling;~~
- (C) ~~training services;~~
- (D) ~~additional services to assist the individual in becoming reemployed;~~
- (E) ~~job search counseling; and~~
- (F) ~~development and review of the individual's reemployment plan that includes the individual's participation in job search activities and appropriate workshops.~~

(g) The department may require an individual participating in reemployment and eligibility assessment activities described in this section to provide proof of identity.

SECTION 2. IC 22-4-14-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3.5. (a) For purposes of section 3 of this chapter, reemployment services and reemployment and eligibility**

HEA 1497 — Concur



**assessment activities provided to an individual:**

**(1) must include:**

- (A) orientation to the services available through a one stop center (as defined by IC 22-4.5-2-6);**
- (B) provision of labor market and career information;**
- (C) assessment of the individual's workforce and other job related skills; and**
- (D) a review of the individual's work search efforts; and**

**(2) may include:**

- (A) comprehensive and specialized assessments;**
- (B) individual and group career counseling;**
- (C) training services;**
- (D) additional services to assist the individual in becoming reemployed;**
- (E) job search counseling;**
- (F) development and review of the individual's reemployment plan that includes the individual's participation in job search activities and appropriate workshops; and**
- (G) additional job skills assessments as needed.**

**(b) The department may require an individual participating in reemployment and eligibility assessment activities described in this section to provide proof of identity.**

**(c) If an individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the department, the department may require the individual to participate in additional services beyond those provided in subsection (a).**



\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1497 — Concur**

