

### **IC 22-4-3**

#### **Chapter 3. Unemployment Defined**

##### **IC 22-4-3-1**

###### **"Totally unemployed" defined**

Sec. 1. An individual shall be deemed "totally unemployed" in any week with respect to which no remuneration was payable to him for personal services.

*(Formerly: Acts 1947, c.208, s.301; Acts 1953, c.177, s.9.)*

##### **IC 22-4-3-2**

###### **"Partially unemployed" defined**

Sec. 2. An individual is "partially unemployed" when, because of lack of available work, he is working less than his normal customary full-time hours for his regular employer and his remuneration is less than his weekly benefit amount in any calendar week, but no individual shall be deemed totally, part-totally, or partially unemployed in any week which he is regularly and customarily employed full-time on a straight commission basis.

*(Formerly: Acts 1947, c.208, s.302.)*

##### **IC 22-4-3-3**

###### **Exceptions; on call or as needed employment**

Sec. 3. An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the individual:

- (1) is regularly and customarily employed on an on-call or as needed basis; and
- (2) has:
  - (A) remuneration for personal services payable to the individual; or
  - (B) work available from the individual's on-call or as needed employer.

*As added by P.L.2-2011, SEC.1.*

##### **IC 22-4-3-4**

###### **Exception; vacation period with remuneration**

Sec. 4. An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds that the individual:

- (1) is on a vacation week; and
- (2) is receiving, or has received, remuneration from the employer for that week.

*As added by P.L.2-2011, SEC.2. Amended by P.L.6-2012, SEC.151; P.L.121-2014, SEC.7.*

##### **IC 22-4-3-5**

###### **Exception; vacation period without remuneration by agreement or policy**

Sec. 5. (a) Subject to subsection (b), an individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds the individual:

(1) is on a vacation week; and

(2) has not received remuneration from the employer for that week, because of:

(A) a written contract between the employer and the employees; or

(B) the employer's regular vacation policy and practice.

(b) Subsection (a) applies only if the department finds that the individual has a reasonable assurance that the individual will have employment available with the employer after the vacation period ends.

*As added by P.L.2-2011, SEC.3. Amended by P.L.6-2012, SEC.152; P.L.121-2014, SEC.8.*