

January 15, 1998

HOUSE BILL No. 1039

DIGEST OF HB1039 (Updated January 14, 1998 12:19 pm - DI 93)

Citations Affected: IC 36-8-10-11.1.

Synopsis: Sheriff's department layoff procedures. Requires the appointing authority of a sheriff's department to lay off members of the department in reverse of the order in which the members were hired. Requires laid off members of the sheriff's department to be reinstated: (1) before any new member may be appointed; and (2) in reverse of the order in which the members were laid off. Provides that a member's reinstatement rights end on the earlier of the date: (1) when the member fails to accept reinstatement within 20 calendar days of the date notice of reinstatement is sent to the member; or (2) three years after the date a member's layoff begins.

Effective: July 1, 1998.

Kuzman

January 6, 1998, read first time and referred to Committee on Public Safety.
January 14, 1998, reported — Do Pass.

HB 1039—LS 6288/DI 79



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January 15, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1039

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 36-8-10-11.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 11.1. (a) As used in this section,**
4 **"appointing authority" means the sheriff and the board.**
5 **(b) If it is necessary for the appointing authority to reduce the**
6 **number of members of the department by layoff for financial**
7 **reasons, the last member appointed to the department must be the**
8 **first to be laid off. Additional members must be laid off in reverse**
9 **hiring order until the desired level of employment is achieved.**
10 **(c) If department membership is increased, the members of the**
11 **department who have been laid off under this section must be**
12 **reinstated before any new member is appointed to the department.**
13 **The last member to be laid off from the department must be the**
14 **first to be reinstated. Additional members must be reinstated in**
15 **reverse of the order in which the members were laid off.**
16 **(d) A member who is laid off shall keep the appointing**
17 **authority advised of the member's current address. The appointing**

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1 authority shall inform a member of the member's reinstatement by
2 written notice sent by certified mail to the member's last known
3 address.
4 (e) Not later than twenty (20) calendar days after the date
5 notice of reinstatement is sent under subsection (d), the member
6 must advise the appointing authority whether the member:
7 (1) accepts reinstatement; and
8 (2) will be able to commence employment on the date
9 specified in the notice.
10 (f) All reinstatement rights granted to a member under this
11 section terminate on the earlier of:
12 (1) the date the member fails to accept reinstatement within
13 the time specified in subsection (e); or
14 (2) three (3) years after the date on which a member's layoff
15 begins.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety, to which was referred House Bill 1039, 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.

L. LUTZ, Chair

Committee Vote: yeas 12, nays 1.

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