

HOUSE BILL No. 1039

DIGEST OF INTRODUCED BILL

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.



Introduced

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**



- 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.

