

HOUSE BILL No. 1340

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-2-32.

Synopsis: State employee lay-offs. Provides that a state employee in the classified service who is laid off may displace a state employee in the same division of service in any county where the division of service operates if all offices of the division of service are closed in the laid off employee's county. (Current law provides that an employee may only displace state employees in a contiguous county if all offices of the division of service of the laid off employee's county are closed.)

Effective: July 1, 1998.

T. Adams, Saunders

January 13, 1998, read first time and referred to Committee on Labor and Employment.

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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. 1340

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-15-2-32 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 32. (a) An appointing
3 authority may lay-off employees in the classified service whenever it
4 is deemed necessary, due to shortage of work or funds, or the
5 abolishment of a position, or other material change in duties or
6 organization. For purposes of this section, offices and positions of
7 employment in each county where the division of service operates is
8 considered one autonomous unit and lay-off procedures will apply
9 within the county affected by the lay-off. When a lay-off is necessary,
10 the appointing authority will determine in which class or classes the
11 lay-off or lay-offs will occur, the number of employees to be laid off
12 within each affected class, **and** the county or counties where lay-offs
13 are to occur and give written notice to the director a reasonable time
14 before the effective date of the lay-off. The director, in accordance with
15 the rules, shall compute retention points to determine the order of
16 lay-off within each county. The retention points will be computed as of
17 the effective date of the lay-off and will reflect systematic

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1 consideration of seniority, service ratings, veterans' preference status,
2 and employment status. The director shall provide the appointing
3 authority with a written notice containing the names and retention
4 points of employees to be laid off in each county, and such orders
5 relating to the lay-off as deemed necessary to secure compliance with
6 this section.

7 (b) Any employee in the classified service who has been notified of
8 pending lay-off and who has permanent status in a lower class has the
9 right, provided they have more retention points, to displace within the
10 same affected county, the employee with the least retention points in
11 that lower class. Any employee in the classified service who has
12 permanent status in a lower class and is displaced by another employee
13 has the right, provided they have more retention points, to displace
14 within the same affected county the employee with the least retention
15 points in that lower class. This procedure shall continue until the
16 employee with the least retention points in the lowest class in the same
17 affected county, of the same appointing authority has been reached and
18 if necessary laid off. Should a layoff result in the closing of all offices
19 in a county, any employee in the classified service who has been
20 notified of pending lay-off and who has permanent status in the class
21 from which they are laid off may, provided they have more retention
22 points, displace within the division of service in any ~~contiguous~~
23 **where the division of service operates**, the employee with the least
24 retention points in that class.

25 (c) Employees who have been reduced or laid off will be placed on
26 appropriate reemployment lists in accordance with rules established by
27 the director. Those employees with the highest retention points in each
28 affected class will be placed at the top of the list followed by
29 employees ranked in descending order. An employee who is laid off
30 will retain reemployment rights for a period of one (1) year from the
31 lay-off date. During this one (1) year period, the appointing authority,
32 for the division of service affected, shall not hire nor promote anyone
33 into a class affected by the lay-off until all laid off employees on the
34 reemployment list for that class have been reinstated or decline the
35 position when it is offered. Employees who fail to respond within five
36 (5) days, to a written offer sent to their last known address, will be
37 deemed to have declined. Even though a lay-off applies only to affected
38 counties, re-employment rights extend to all counties, and At the
39 request of the laid off or reduced employee, **their the employee's** name
40 will be placed on the appropriate reemployment list for any or all
41 counties.

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