
SENATE BILL No. 166

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-10-8; IC 10-16.

Synopsis: Employment protection for civil air patrol members. Provides that a member of the Indiana wing of the civil air patrol (CAP) may not be disciplined by an employer for leaving or being absent from work for certain emergency service operations if the member: (1) has notified the employer that the employee is a CAP member; and (2) in the case of a nongovernmental employee, is not designated by the employer as an essential employee.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 166



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 4-15-10-8 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2007]: **Sec. 8. (a) For purposes of this section, "civil air patrol"**
- 4 **refers to the Indiana wing of the civil air patrol.**
- 5 **(b) For purposes of this section, "emergency service operation"**
- 6 **includes the following operations of the civil air patrol:**
- 7 **(1) Search and rescue.**
- 8 **(2) Disaster relief.**
- 9 **(3) Humanitarian services.**
- 10 **(4) United States Air Force support.**
- 11 **(c) An employee may not be disciplined for absence from work**
- 12 **if:**
- 13 **(1) the employee is a member of the civil air patrol;**
- 14 **(2) the employee has notified the employee's immediate**
- 15 **supervisor in writing that the employee is a member of the**
- 16 **civil air patrol;**
- 17 **(3) in the event that the employee has already reported for**



1 work on the day of the emergency service operation, the
 2 employee secures authorization from the employee's
 3 supervisor to leave the employee's duty station before leaving
 4 to engage in the emergency service operation; and
 5 (4) the employee presents a written statement to the
 6 employee's immediate supervisor from the commander or
 7 other officer in charge of the civil air patrol indicating that
 8 the employee was engaged in an emergency service operation
 9 at the time of the employee's absence from work.

10 SECTION 2. IC 10-16-1-5.5 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2007]: **Sec. 5.5. "Civil air patrol" refers to the Indiana wing of
 13 the civil air patrol.**

14 SECTION 3. IC 10-16-1-9.5 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2007]: **Sec. 9.5. "Emergency service operation" includes the
 17 following operations of the civil air patrol:**

- 18 (1) Search and rescue.
- 19 (2) Disaster relief.
- 20 (3) Humanitarian services.
- 21 (4) United States Air Force support.

22 SECTION 4. IC 10-16-1-15.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Political subdivision" has
 25 the meaning set forth in IC 36-1-2-13.**

26 SECTION 5. IC 10-16-19 IS ADDED TO THE INDIANA CODE
 27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2007]:

29 **Chapter 19. Civil Air Patrol**

30 **Sec. 1. (a) This section does not apply to an employee of the state
 31 subject to IC 4-15-10-8.**

32 **(b) This section applies to an employee of a political subdivision
 33 who:**

- 34 (1) is a member of the civil air patrol; and
- 35 (2) has notified the employee's employer in writing that the
 36 employee is a member of the civil air patrol.

37 **(c) A political subdivision employer may not discipline an
 38 employee:**

- 39 (1) for being absent from employment by reason of engaging
 40 in an emergency service operation that began before the time
 41 that the employee was to report to employment; or
- 42 (2) for leaving the employee's duty station to engage in an

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1 emergency service operation if the emergency service
2 operation began after the employee had reported for work
3 and the employee secured authorization from the employee's
4 supervisor to leave the employee's duty station before leaving
5 to engage in the emergency service operation.

6 (d) A political subdivision employer may require an employee
7 who has been absent from employment as set forth in subsection
8 (c)(1) or (c)(2) to present a written statement from the commander
9 or other officer in charge of the civil air patrol at the time of the
10 absence indicating that the employee was engaged in an emergency
11 service operation at the time of the absence.

12 (e) An employee who is disciplined by the employee's employer
13 in violation of subsection (c) may bring a civil action against the
14 employer in the county of employment. In the action, the employee
15 may seek the following:

- 16 (1) Payment of back wages.
- 17 (2) Reinstatement to the employee's former position.
- 18 (3) Fringe benefits wrongly denied or withdrawn.
- 19 (4) Seniority rights wrongly denied or withdrawn.

20 An action brought under this subsection must be filed within one
21 (1) year after the date of the disciplinary action.

22 (f) A public servant (as defined in IC 35-41-1-24) who permits
23 or authorizes an employee of a political subdivision under the
24 supervision of the public servant to be absent from employment as
25 set forth in subsection (c) is not considered to have committed a
26 violation of IC 35-44-2-4(b).

27 Sec. 2. (a) This section applies to an employee of a private
28 employer who:

- 29 (1) is a member of the civil air patrol; and
- 30 (2) has notified the employee's employer in writing that the
31 employee is a member of the civil air patrol.

32 (b) Except as provided in subsection (c), the employer may not
33 discipline an employee:

- 34 (1) for being absent from employment by reason of engaging
35 in an emergency service operation that began before the time
36 that the employee was to report to employment; or
- 37 (2) for leaving the employee's duty station to engage in an
38 emergency service operation if the emergency service
39 operation began after the employee had reported for work
40 and the employee secured authorization from the employee's
41 supervisor to leave the employee's duty station before leaving
42 to engage in the emergency service operation.

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1 (c) After an employer is notified under subsection (a)(2) that an
2 employee is a member of the civil air patrol, the employer may
3 reject the notification on the grounds that the employee is an
4 essential employee to the employer. If an employer rejects the
5 notification of an employee under this subsection:
6 (1) subsection (b) does not apply to the employee; and
7 (2) the employee shall promptly notify the commander or
8 other officer in charge of the civil air patrol of the rejection of
9 the employee's notification under subsection (a)(2).
10 (d) The employer may require an employee who has been absent
11 from employment as set forth in subsection (b)(1) or (b)(2) to
12 present a written statement from the commander or other officer
13 in charge of the civil air patrol at the time of the absence indicating
14 that the employee was engaged in an emergency service operation
15 at the time of the absence.

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