



January 21, 2010

HOUSE BILL No. 1194

DIGEST OF HB 1194 (Updated January 19, 2010 10:01 am - DI 96)

Citations Affected: IC 36-8.

Synopsis: Public safety officer layoff and reinstatement. Provides that the reinstatement rights of a laid off member of a city police or fire department, or a laid off member of a sheriff's department, terminates five years (instead of three years) after the day on which the member's layoff begins.

Effective: July 1, 2010.

Tyler, Bell, Riecken, Niezgodski

January 7, 2010, read first time and referred to Committee on Labor and Employment.
January 20, 2010, amended, reported — Do Pass.

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HB 1194—LS 6274/DI 102+



January 21, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1194



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 36-8-4-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) If it is necessary
 3 for the safety board to reduce the number of members of the police or
 4 fire department by layoff for financial reasons, the last member
 5 appointed must be the first to be laid off, with other members also laid
 6 off in reverse hiring order, until the desired level is achieved.
 7 (b) If the department is increased in number again, the members of
 8 the department who have been laid off under this section shall be
 9 reinstated before any new member is appointed to the department. The
 10 reinstatements begin with the last member laid off.
 11 (c) A member who is laid off shall keep the appointing authority
 12 advised of ~~his~~ **the member's** current address. A member shall be
 13 informed of ~~his~~ **the member's** reinstatement by written notice sent by
 14 certified mail to ~~his~~ **the member's** last known address. Within twenty
 15 (20) calendar days after notice of reinstatement is sent to a member, ~~he~~
 16 **the member** must advise the hiring body that ~~he~~ **the member** accepts
 17 reinstatement and will be able to commence employment on the date

HB 1194—LS 6274/DI 102+



1 specified in the notice. All reinstatement rights granted to a member
2 terminate upon ~~his~~ **the member's** failure to accept reinstatement within
3 that twenty (20) day period or ~~three (3)~~ **five (5)** years after the day on
4 which a member's layoff begins.

5 SECTION 2. IC 36-8-10-11.1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11.1. (a) As used in this
7 section, "appointing authority" means the sheriff and the board.

8 (b) If it is necessary for the appointing authority to reduce the
9 number of members of the department by layoff for financial reasons,
10 the last member appointed to the department must be the first to be laid
11 off. Additional members must be laid off in reverse hiring order until
12 the desired level of employment is achieved.

13 (c) If department membership is increased, the members of the
14 department who have been laid off under this section must be
15 reinstated before any new member is appointed to the department. The
16 last member to be laid off from the department must be the first to be
17 reinstated. Additional members must be reinstated in reverse of the
18 order in which the members were laid off.

19 (d) A member who is laid off shall keep the appointing authority
20 advised of the member's current address. The appointing authority shall
21 inform a member of the member's reinstatement by written notice sent
22 by certified mail to the member's last known address.

23 (e) Not later than twenty (20) calendar days after the date notice of
24 reinstatement is sent under subsection (d), the member must advise the
25 appointing authority whether the member:

- 26 (1) accepts reinstatement; and
- 27 (2) will be able to commence employment on the date specified
28 in the notice.

29 (f) All reinstatement rights granted to a member under this section
30 terminate on the earlier of:

- 31 (1) the date the member fails to accept reinstatement within the
32 time specified in subsection (e); or
- 33 (2) ~~three (3)~~ **five (5)** years after the date on which a member's
34 layoff begins.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1194, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 5 through 42.

Delete pages 3 through 9.

Page 10, delete lines 1 through 9.

Page 10, delete lines 40 through 42.

Delete pages 11 through 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1194 as introduced.)

NIEZGODSKI, Chair

Committee Vote: yeas 10, nays 0.

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