
HOUSE BILL No. 1085

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-14; IC 36-8-3-20.5.

Synopsis: Public employee paid leave. Provides for paid leave for state employees and police reserve officers when responding to a disaster declared either by the Red Cross or the department of homeland security.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1085



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

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

1 SECTION 1. IC 4-15-14-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this
3 chapter, "certified disaster service volunteer" means an individual who:
4 ~~has:~~

- 5 (1) **has** completed the necessary training for being and ~~has~~ ~~(2)~~
6 been certified as a disaster service specialist by the Red Cross; **or**
7 **(2) is a state employee or police reserve officer who has been**
8 **called to assist in an event in which a state of emergency has**
9 **been declared by the department of homeland security.**

10 SECTION 2. IC 4-15-14-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. **(a)** As used in this
12 chapter, **except as provided in subsection (b)**, "disaster" means an
13 event:

- 14 **(1)** that is designated under the American National Red Cross
15 Regulations and Procedures to be at least as serious as a level III
16 disaster; **or**
17 **(2) in which a state of emergency has been declared by the**



1 **department of homeland security;**
2 and is proclaimed by the governor as a disaster warranting the leave
3 allowed under this chapter.

4 **(b) For police reserve officers, "disaster", as used in this**
5 **chapter, means an event:**

6 **(1) that is designated under the American National Red Cross**
7 **Regulations and Procedures to be at least as serious as a level**
8 **III disaster; or**

9 **(2) in which a state of emergency has been declared by the**
10 **department of homeland security;**

11 **for the city where the police reserve officer is employed as a police**
12 **reserve officer.**

13 SECTION 3. IC 4-15-14-2.6 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2011]: **Sec. 2.6. As used in this chapter, "police reserve officer"**
16 **refers to an officer appointed under IC 36-8-3-20.**

17 SECTION 4. IC 4-15-14-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. **(a)** As used in this
19 chapter, "specialized disaster relief" means one (1) or more of the
20 following Red Cross service categories in which a certified disaster
21 service volunteer is trained:

- 22 (1) Shelter management.
- 23 (2) Mass feeding.
- 24 (3) Family services.
- 25 (4) Health services.
- 26 (5) Public assistance inquiries.
- 27 (6) Damage assessment.
- 28 (7) A support function for services provided under subdivisions
- 29 (1) through (6).
- 30 (8) Any other service performed for the Red Cross for which
- 31 training is required.

32 **(b) As used in this chapter, "specialized disaster relief", in**
33 **situations other than those designated by the Red Cross, means one**
34 **(1) or more of the following categories in which a disaster service**
35 **volunteer is trained:**

- 36 **(1) Emergency operations center (EOC) management.**
- 37 **(2) Shelter management.**
- 38 **(3) Support services as defined by an emergency management**
39 **agency or the department of homeland security.**

40 SECTION 5. IC 4-15-14-7 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. **(a)** An employee of
42 a state agency:

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- 1 (1) who is a certified disaster service volunteer;
- 2 (2) whose specialized disaster relief services are requested by the
- 3 Red Cross **or the department of homeland security** in
- 4 connection with a disaster; and
- 5 (3) who obtains consent from the employee's supervisor or
- 6 appointing authority;

7 shall be granted leave from work with pay for not more than fifteen
 8 (15) work days in each state fiscal year to participate in specialized
 9 disaster relief services.

10 (b) The state agency shall compensate an employee granted leave
 11 under this chapter at the employee's regular rate of pay for the regular
 12 work hours during which the employee is absent from work.

13 (c) An employee granted leave under this chapter does not lose
 14 accrued:

- 15 (1) seniority;
- 16 (2) vacation leave;
- 17 (3) sick leave;
- 18 (4) personal vacation days;
- 19 (5) compensatory time off; or
- 20 (6) overtime.

21 **(d) An employee of a state agency working under this chapter**
 22 **is responsible for submitting a record of actual hours worked and**
 23 **approved by the department of homeland security during an**
 24 **emergency. The rules governing the rate of compensation and**
 25 **benefits for the employee for the number of hours worked apply.**

26 SECTION 6. IC 4-15-14-9 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2011]: **Sec. 9. (a) A state employee or police reserve officer who:**

- 29 (1) is certified by the Red Cross; or
- 30 (2) can be called up by the department of homeland security;
- 31 **must have on file with the state agency or municipality by which**
 32 **the employee or police reserve officer is employed a letter**
 33 **certifying that the employee or police reserve officer is eligible to**
 34 **respond to a disaster or emergency under this chapter. An**
 35 **employee or police reserve officer covered under this chapter must**
 36 **be available for activation for an emergency declared by the Red**
 37 **Cross or the department of homeland security.**

38 (b) **If an employee or police reserve officer is called to work on**
 39 **a disaster declared by the Red Cross or the department of**
 40 **homeland security, the employee or police reserve officer shall**
 41 **inform the employee's or officer's supervisor immediately upon**
 42 **activation, and the employer shall grant the employee or officer**

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SECTION 7. IC 4-15-14-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 10. A state employee who:**

(1) can be activated by the department of homeland security to serve in a disaster; and

(2) is required to obtain additional training approved by the department of homeland security;

shall be granted paid leave for the training at the employee's normal rate.

SECTION 8. IC 4-15-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 11. (a) A state employee who is called to service as described in section 8 of this chapter shall be covered by the state agency's compensation and benefit plans as if the employee were working for the state agency by which the employee is otherwise employed.**

(b) A state employee who is asked to volunteer the employee's time during a nondisaster event for the department of homeland security shall be covered by the compensation plans by the agency for which the employee is volunteering. A state employee who is asked to work a nondisaster event by the department of homeland security shall be covered for disability as if the employee were working for the agency by which the employee is employed.

(b) A state employee who is asked to volunteer the employee's time during a nondisaster event for the department of homeland security shall be covered by the compensation plans by the agency for which the employee is volunteering. A state employee who is asked to work a nondisaster event by the department of homeland security shall be covered for disability as if the employee were working for the agency by which the employee is employed.

SECTION 9. IC 36-8-3-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 20.5. A police reserve officer who is called to serve in a disaster:**

(1) that is designated:

(A) under the American National Red Cross Regulations and Procedures to be at least as serious as a level II disaster; or

(B) by the department of homeland security; and

(2) that is proclaimed by the governor as a disaster warranting the leave allowed for state employees under IC 4-15-14;

is subject to all the obligations and provided all the protections provided to state employees under IC 4-15-14.

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