

HOUSE BILL No. 1442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-16.

Synopsis: Employee personal leave. Provides that certain employees of certain employers are entitled to take: (1) 24 hours of paid leave; and (2) 16 hours of unpaid leave; in a 12 month period.

Effective: July 1, 2011.

Dvorak

January 18, 2011, read first time and referred to Committee on Employment, Labor and Pensions.

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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. 1442



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

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

1 SECTION 1. IC 22-2-16 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 16. Employee Personal Leave**

5 **Sec. 1. This chapter applies after June 30, 2011.**

6 **Sec. 2. As used in this chapter, "commissioner" refers to the**
7 **commissioner of labor appointed under IC 22-1-1-2.**

8 **Sec. 3. (a) As used in this chapter, "employee" means an**
9 **individual who:**

10 (1) has been employed for at least six (6) months by an
11 employer from whom the employee has requested leave under
12 this chapter; and

13 (2) has worked an average number of hours per week equal to
14 at least eighty percent (80%) of a full-time equivalent
15 position.

16 (b) The term does not include an independent contractor (as
17 described in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5)).



1 **Sec. 4. As used in this chapter, "employer" means the state or:**
 2 **(1) an individual;**
 3 **(2) a partnership;**
 4 **(3) an association;**
 5 **(4) a limited liability company;**
 6 **(5) a corporation;**
 7 **(6) a business trust;**
 8 **(7) a municipal corporation; or**
 9 **(8) a nonprofit corporation exempt from federal income**
 10 **taxation under Section 501(c)(3) of the Internal Revenue**
 11 **Code;**

12 **that employs at least ten (10) employees for each working day**
 13 **during each of twenty (20) or more calendar weeks in the current**
 14 **or preceding calendar year.**

15 **Sec. 5. An employee is entitled to take twenty-four (24) hours of**
 16 **paid leave in any twelve (12) month period.**

17 **Sec. 6. A leave described in section 5 of this chapter is subject to**
 18 **the following conditions:**

19 **(1) The employer may require an employee to submit a**
 20 **written request for the leave at least seven (7) days before the**
 21 **time desired for the leave if the need for the leave is**
 22 **reasonably foreseeable. If the need for the leave is not**
 23 **reasonably foreseeable, the employee shall give as much**
 24 **notice as is practicable.**

25 **(2) Leave may not be taken in increments of less than four (4)**
 26 **hours.**

27 **Sec. 7. An employee is entitled to take sixteen (16) hours of**
 28 **unpaid leave in any twelve (12) month period.**

29 **Sec. 8. A leave described in section 7 of this chapter is subject to**
 30 **the following conditions:**

31 **(1) The employer may require an employee to submit a**
 32 **written request for the leave at least seven (7) days before the**
 33 **time desired for the leave if the need for the leave is**
 34 **reasonably foreseeable. If the need for the leave is not**
 35 **reasonably foreseeable, the employee shall give as much**
 36 **notice as is practicable.**

37 **(2) Leave may not be taken in increments of less than one (1)**
 38 **hour.**

39 **Sec. 9. A notice in a form approved by the commissioner setting**
 40 **forth the rights of employees under this chapter must be**
 41 **conspicuously and continuously posted by the employer in the area**
 42 **in which employees are routinely employed.**

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1 **Sec. 10. The commissioner may adopt rules under IC 4-22-2 to**
2 **implement this chapter.**

3 **Sec. 11. The commissioner shall enforce this chapter.**

4 **Sec. 12. The commissioner may issue any reasonable order to**
5 **remedy a violation under this chapter.**

6 **Sec. 13. (a) This chapter does not prohibit an employee from**
7 **taking a leave granted under any other law.**

8 **(b) This chapter does not prohibit an employer from providing**
9 **leave in addition to the requirements of this chapter.**

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